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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING & COMPLIANCE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, SEPTEMBER 10, 2007

1:34 P.M.

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LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Mr. Jeffrey Danzinger

Ms. Cheryl Peace

BOARD MEMBERS

Ms. Margo Reid Brown

Mr. Wesley Chesbro

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Chief Counsel

Ms. Julie Nauman, Chief Deputy Director

Ms. Donnell Duclo, Executive Assistant

Mr. Harllee Branch, Staff Counsel

Ms. Curie Canuela

Mr. Reinhard Hohlwein

Mr. Neal Johnson

Mr. Howard Levenson, Program Director, Sustainability
Branch

Mr. Steven Levine, Staff Counsel

Mr. William Marciniak

Mr. Darryl Petker

Mr. Ted Rauh, Program Director, Permitting & Enforcement

APPEARANCES CONTINUED

Mr. Scott Walker, Branch Manager, Cleanup Branch

Ms. Tabetha Willmon

ALSO PRESENT

Mr. Jim McRea, City of Ridgecrest

Mr. Bill Prinz, City of San Diego LEA

Ms. Joet Stoner, City of Arvin Council Member

Mr. Larry Sweetzer

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everyone.

3 Welcome to the September 10th meeting of the
4 Permitting and Compliance Committee.

5 There are agendas on the back table. And if
6 anybody would like to speak to an item, please fill out a
7 form and bring it up front to Donnell, and then you will
8 have an opportunity to address the committee.

9 Also, I would like to ask everyone to please
10 either turn off or put in the silent mode your cell phones
11 and pagers. I appreciate that.

12 And with that, Donnell, would you please call the
13 roll?

14 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

15 COMMITTEE MEMBER DANZINGER: Here.

16 EXECUTIVE ASSISTANT DUCLO: Peace?

17 COMMITTEE MEMBER PEACE: Here.

18 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

19 CHAIRPERSON MULÉ: Here.

20 Okay. Great. And do we have any ex partes?

21 COMMITTEE MEMBER PEACE: I'm up to date.

22 COMMITTEE MEMBER DANZINGER: I'm up to date.

23 CHAIRPERSON MULÉ: I'm up to date as well.

24 Great.

25 Just before we get started today, I just want to

1 make a note for the audience, we will be hearing Item 10
2 today first and then Items 1 through 9 and then 11.

3 So if you will all make a note of that.

4 And with that, I will go to our program director's
5 report. And Ted, good afternoon.

6 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Good
7 afternoon. Thank you very much, members of the committee.
8 I'm Ted Rauh, the program director for Waste Compliance
9 and Mitigation.

10 And I would like to just touch on a couple of
11 items quickly for you today. First is a update on the
12 Angora fire response. And I'm pleased to announce that
13 all 256 sites, that the Board's efforts to remove debris
14 from, have now come back with clean samples. So they are
15 all ready now for the next phase.

16 There are 13 sites that have been certified by El
17 Dorado County for building on those sites. Another 12 --
18 that means that not only are the sites clean themselves,
19 but all the trees have been removed. And in those cases,
20 the landowners are going forward with the -- any of the
21 restoration required for erosion control on their own.

22 As a result of our efforts there, 639 tons of
23 metal were delivered for recycling. Nearly 5800 tons of
24 concrete were also delivered for recycling. As a result
25 of the county's tree removal efforts, there are 214

1 property owners who have signed up now for tree removal;
2 and 96 of those properties are now in the actual tree
3 removal process. And over a thousand tons of timber have
4 already been removed from those sites and are being
5 processed in the local saw mill.

6 The -- with respect to erosion control itself, we
7 have worked with Tahoe Regional Planning Agency, the
8 National Resource Conservation Service in El Dorado County
9 to conduct individual site assessments of each of the home
10 owners' properties, to make sure that the correct and
11 appropriate type of erosion control are being employed;
12 and will be and are in the process now working on 78 of
13 those sites with the appropriate erosion control measures.

14 Finally, on the cost recovery note, we've been in
15 contact with the Department of Finance. And as we
16 approach the deadlines set in the emergency order, we'll
17 be presenting all of our final bills for cost recovery and
18 have been assured that that process will move smoothly.

19 Next item I would like to quickly bring to your
20 attention is our compliance partnership efforts. In
21 response to the strategic directives, we have initiated a
22 process where we are working with local LEAs on improving
23 our partnership. It started this month, actually, with
24 meetings at the round table sessions, with each of the
25 groups of LEAs across the state, discussing our approach,

1 some of the ideas that we have, any ideas they have, for
2 improving the overall cooperative relationship we have
3 with them. We'll take that feedback and present the
4 results of those individual meetings at the LEA conference
5 in October.

6 Again, I want to bring to your attention -- I hope
7 that you have all turned in your sign-up sheets and are
8 planning to attend at least the last day or so of the
9 conference at which point we'll be presenting the results
10 of the information that we've heard from them.
11 Subsequently, after that final round of comments, we'll be
12 coming back to you to present those suggestions to you in
13 terms of any policy initiatives or changes that we want to
14 ask your guidance on pursuing. And this, of course, will
15 be coming in the December timeframe.

16 Last item I would like to report on is Sunshine
17 Canyon. In that particular case, we met members of the
18 staff -- key members of staff met with the Los Angeles
19 County LEA and the applicant this past Friday to discuss
20 both a technical review of the initial draft of the permit
21 documents for the combined facility, and also to discuss a
22 combined LEA structure and answer questions for the County
23 with regard to that issue.

24 Unfortunately, the City of Los Angeles was not
25 able to participate in those meetings. But we'll

1 certainly -- in that meeting. But we'll certainly keep
2 them apprised as we move forward.

3 One notable point, the applicant indicated that on
4 their timeline, they may be submitting a permit for
5 Board's consideration within the next few weeks. So we're
6 continuing to move and work with all the parties in that
7 case.

8 And that ends my report.

9 CHAIRPERSON MULÉ: Thank you, Ted.

10 Any questions for Ted?

11 COMMITTEE MEMBER PEACE: I just have one question:
12 You mentioned, now you're working on erosion control
13 measures for the sites; is that correct?

14 PERMITTING & ENFORCEMENT DIRECTOR RAUH: That's
15 correct.

16 COMMITTEE MEMBER PEACE: Can you tell me to what
17 extent we're involved in erosion control measures? I
18 didn't know the Board was an expert in erosion control
19 measures.

20 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Typically
21 , in cleanups that the Board are involved with, there's
22 also, if necessary, an erosion control component. In the
23 case of the Angora fire, when we first became involved,
24 when the Board first became involved, part of our overall
25 charter and commitment to the community was to oversee the

1 debris removal and to put in place any necessary erosion
2 control measures to prevent the possibility of erosion or
3 flooding or any kind of sediment moving off those sites,
4 down into the critical creek, and then on into the lake.

5 COMMITTEE MEMBER PEACE: So we're doing that?

6 PERMITTING & ENFORCEMENT DIRECTOR RAUH: That's
7 correct.

8 COMMITTEE MEMBER PEACE: Seems to me, when we
9 cleaned up all the tire sites in Sonoma, we made it very
10 clear that the Board would not be doing any of the erosion
11 control, and that the property owners had to do the
12 erosion control themselves, and that was because, for some
13 reason, erosion control didn't work and there was problems
14 in the future that they would come back to the Board and
15 have that be our responsibility. So I'm just wondering,
16 how that happened, that we're doing that here, and if
17 there is problems, there's a lot of rain next year and the
18 erosion control measures we put in place didn't work, are
19 they going to be coming back to the Board to correct it
20 and fix it again and say, this flooded, now it's the
21 Board's responsibility. How far does this go?

22 PERMITTING & ENFORCEMENT DIRECTOR RAUH: In this
23 particular case, there were a couple of issues that drove
24 the urgency and putting in erosion control measures.
25 First of all was the overall protection of the critical

1 environmental resource, Lake Tahoe, and the fact that
2 there's a prohibition against any disturbing of soil for
3 construction activity after October 15th of this year,
4 because of the expectation for rain and snow.

5 So a decision was made early on that the Board
6 would fund and put in place those measures that were
7 deemed appropriate by the agencies that have control over
8 erosion in that area for property owners that, at a
9 minimum, were not going to be able to do any construction
10 before the October 15th deadline. In those cases, where
11 homeowners have gone forward and gotten permits from the
12 county, they are also carrying out their own erosion
13 control measures.

14 But in this case, being the fact that we're being
15 guided by the erosion control experts, our role is simply
16 implementing the plans that they have individually put in
17 place, for each property.

18 STAFF COUNSEL LEVINE: Steven Levine. I have some
19 input on the Sonoma situation, if you would like.

20 COMMITTEE MEMBER PEACE: Um-hmm.

21 STAFF COUNSEL LEVINE: Okay. Scott Walker can
22 attest to this. But my understanding is that the cleanup
23 programs, in general, have had a long-standing history and
24 policy of dealing with certain post-cleanup matters such
25 as restoring sites to their original grade. That's

1 something that we've done on a pretty consistent basis on
2 our cleanups.

3 The distinction with the Sonoma waste tire site
4 cleanups is that those sites had a preexisting, going
5 back, like a hundred years outstanding erosion control
6 problem. In fact, the tires were placed in these gullies
7 and ravines in Sonoma to resolve the erosion control
8 problem. And it was more than simply restoring it to an
9 original grade. The original grade caused the dust bowl
10 year problems that caused the need for the resource
11 conservation districts and these alternative methods.

12 And so what -- there's a distinction drawn between
13 basically just restoring a site to an original grade and
14 putting in place an erosion control system to solve a
15 preexisting problem that spanned a century.

16 COMMITTEE MEMBER PEACE: Steve, as an attorney,
17 then, you are telling me, some of this erosion control
18 measures we put in place, to be put back to the original
19 grade, for some reason, they don't work. Is the Board
20 then -- I mean, how liable are we if some of these control
21 measures don't work?

22 STAFF COUNSEL LEVINE: Right. You know, the
23 cleanup program is always going to face -- you know, face
24 the potential if the Board is hiring contractors instead
25 of the property owner hiring the contractors of, you know,

1 bringing -- attempted to be brought into certain actions.
2 Obviously, these properties are the responsibility of the
3 property owners. We would expect, they would address any
4 of these concerns. But the cleanup program understands
5 that when it gets involved in sites there is a potential
6 that they may be drawn in to various subsequent problems.
7 And so we have to sort of draw the line and if we're
8 restoring to original grade, we look at that as part of
9 our cleanup. If it's something beyond that, we really try
10 very hard to not get involved with that.

11 CHAIRPERSON MULÉ: Elliot?

12 CHIEF COUNSEL BLOCK: Not to belabor this, but I
13 just want to mention, the other reason that there is
14 another thing to keep in mind here is that the efforts
15 that the Board engaged in, in Angora, were as a result of
16 an executive order emergency declaration. So some of the
17 activities we were involved with were not normal
18 activities of that program; they were similar --
19 physically similar activities to what we do, but they were
20 not necessarily restricted by the same restrictions that
21 that program normally faces.

22 STAFF COUNSEL LEVINE: If I could just add one
23 more nuance to this. Steve Levine from Legal Office one
24 more time. That's one of the reasons, if you look at the
25 way our cleanup program is structured, we have a very big

1 carrot, especially to public agencies, in the matching
2 grant category. It's, A, in our interest to have parties,
3 that were at least partly responsible to some degree, meet
4 their obligations. And the matching grant encourages
5 them. Plus, then the matching grant then goes to the
6 public agency in those instances so that they hire the
7 contractors and clean up their property as opposed to the
8 Board, which from a legal's perspective, it would be nice
9 if we can use that more of as a last resort. And that is
10 the issue; when the cleanup program has a last resort and
11 is forced to use its own contractors, we need to draw
12 lines.

13 CHAIRPERSON MULÉ: Okay. I think we have a
14 thorough explanation of all of that. Thank you all very
15 much.

16 Howard, do you have anything for us today?

17 No.

18 Before we move forward, though, I do want to, from
19 the dais, and on the record, thank everyone who was
20 involved in the Angora fire cleanup. Mark, I can't thank
21 you and your staff enough for the tremendous job that you
22 did in cleaning up those 256 homesites in, what I
23 consider, record time. I mean, I've worked on a number of
24 disaster response efforts. And this has been by far the
25 most organized, expeditious one that I've seen yet. And

1 again, my hat's off to everyone involved, starting with
2 Mr. Thalhamer, Todd. Bernie I saw you up there when I was
3 up there. Thank you for all your tireless efforts. Wes
4 Mindermann. And I know there's a number of other staff
5 involved. So I just want to personally thank everybody
6 for your hard work and efforts in that cleanup. Truly, it
7 was a tremendous and outstanding effort.

8 So thank you all.

9 EXECUTIVE DIRECTOR LEARY: If I may, Madam Chair.
10 Thank you, on behalf of all the staff involved. We will
11 be doing a full presentation and wrap up of Angora fire
12 cleanup at the October Board meeting. So we look forward
13 to making that presentation.

14 Thank you.

15 CHAIRPERSON MULÉ: It's just outstanding. Thank
16 you.

17 Board Member Peace?

18 COMMITTEE MEMBER PEACE: I always thought when you
19 want something done right, you ask the Waste Board.

20 CHAIRPERSON MULÉ: You got that right.

21 Okay. Let's move on to our agenda. Again, we're
22 going to go to Board Agenda Item 10, and that is Committee
23 Item K.

24 Howard?

25 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Thank

1 you, Madam Chair. And on behalf of the Arvin
2 representatives, I want to thank you for taking this item
3 out of order.

4 This item is consideration of the completion of
5 compliance order IWMA BR03-05 for the city of Arvin in
6 Kern County.

7 And Tabetha Willmon, to my far right, will be
8 presenting the item.

9 MS. MS. WILLMON: Good afternoon. One June 18,
10 2002, the Board approved an SB 1066 alternative diversion
11 requirement application for the city of Arvin to allow the
12 city until December 2003 to implement additional programs
13 in order to reach their alternative diversion goal of
14 45 percent.

15 However, when the city failed to implement its
16 alternative diversion requirement goal achievement plan,
17 the Board took action at its January 13th, 2004, meeting
18 to end alternative diversion requirement and issued the
19 city a compliance order. The city -- the compliance order
20 directed Board staff to work with the city to develop a
21 local assistance plan by May 31st, 2004. And that was
22 established in the compliance order.

23 On November 8th, 2005, the Board found the city
24 had failed to complete implementation on some of the
25 programs identified in its local assistance plan, and it

1 then issued the city a one-time penalty of \$5,000.

2 The Board also required the city report quarterly
3 on its continued program implementation for its compliance
4 order programs through December of 2006.

5 As called for in the local assistance plan, the
6 city has expanded its pilot residential curbside recycling
7 program and green waste collection program, citywide. The
8 city's provided education and outreach to all residents
9 regarding this expanse and has received good participation
10 with very few contamination issues.

11 The city's also conducted a waste assessment for
12 all large waste-generating businesses within the city and
13 has established commercial recycling where applicable.

14 In particular, the city's haulers focus most of
15 its efforts on providing school recycling and creating a
16 school program where all profits from the recycled
17 materials go back to benefit the school.

18 Additionally, the city's implemented a
19 construction and demolition debris recycling ordinance for
20 all construction within the city as well as a procurement
21 policy for the purchase of recycled content products.

22 Board staff conducted a visit and has verified
23 full implementation of all of the compliance order
24 programs. Additionally, the city's diversion rate has
25 steadily increased since the implementation of the

1 compliance order programs in 2003.

2 The city's preliminary 2005 diversion rate is
3 47 percent. Board staff feels the city has sufficiently
4 implemented all reasonable and feasible programs, and
5 Board staff recommends the Board adopt Option 1, which is
6 ending the city's compliance order.

7 Council Member Joet Stoner and Mr. Ray Scott from
8 Mountainside Disposal are here representing the city today
9 and will be happy to help answer questions.

10 This concludes my presentation.

11 CHAIRPERSON MULÉ: Thank you. Any questions?
12 Does the representative from the city -- would like to
13 come up and speak? First of all, I want to thank you all
14 for coming today.

15 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: I think
16 they were just available to answer any questions, if you
17 have any.

18 CHAIRPERSON MULÉ: Oh, okay.

19 COMMITTEE MEMBER PEACE: I just want to say
20 congratulations. Good work. Good job. And I like the
21 fact here that you have implemented a recycled content
22 procurement policy, at least for all your office supplies.
23 And it does say here, in the Board item, that you are
24 going to be looking to purchase additional recycled
25 content products beyond those office materials. And I

1 really encourage you to do that. It doesn't mean much to
2 collect a lot of things to recycle if you are not going to
3 close the loop by buying recycled.

4 I'm very happy to see you applied for a
5 tire-derived product grant and that you also applied to
6 receive a rubberized asphalt concrete grant. So I'm
7 really happy to see that you have done that.

8 So I just want to say, you know, keep up the good
9 work, and do continue to look for those recycled products,
10 whether it's recycled paint that you can use on your city
11 buildings, the rerefined oil you can use in your city
12 vehicles. Just keep looking for those things and keep up
13 the good work.

14 MS. STONER: Thank you. Madam Chair, Member, my
15 name is Joet Stoner. I'm council member, City of Arvin.

16 I would just like to say that we're definitely
17 considering those in our future purchases for some of our
18 park equipment. And we're definitely using that approach
19 when purchasing our office -- current office supplies and
20 things of that nature.

21 And as I was discussing earlier, we don't have a
22 lot of money, so we don't make too many large purchases.
23 And we do have to outsource some of our maintenance, but
24 it's definitely something we can talk to our suppliers
25 about, with the recycled oil.

1 I just wanted to say that I, on behalf of the
2 council and the City of Arvin, we appreciate everything
3 that staff has done for the city. I know it seems to have
4 taken a little long for us to get to this point. But I'm
5 very optimistic that the city will continue to work with
6 our hauler and with your staff to continue in a positive
7 direction.

8 Thank you so much.

9 CHAIRPERSON MULÉ: Thank you very much. And I
10 know that when we had to issue the fine, I think Board
11 Member Peace and I were here. And it was a very difficult
12 decision for us to make. And I know that you were
13 undergoing a lot of transition, both at the council level
14 and staff level. And I have to say, I'm really pleased
15 with the progress that your city has made. It's very
16 impressive. I mean, it does take time to put in place all
17 the programs that you have. So thank you for all of your
18 hard work and your leadership in helping turn around a
19 negative situation.

20 So thank you.

21 MS. STONER: Thank you so much.

22 COMMITTEE MEMBER DANZINGER: I just want to echo
23 what you two have said.

24 With the action today, you transitioned from being
25 a jurisdiction on compliance to a jurisdiction success

1 story. And yeah, I mean, there's years of hard work that
2 went into that. So congratulations on what you have been
3 able to do.

4 And thanks very much to staff for their hard work
5 and diligence through the time, through the years, to get
6 to this point.

7 MS. STONER: Thank you.

8 And I would like to add one more thing. The city
9 working with our hauler, we've been able to establish a
10 school recycle program. And just setting the precedence
11 for other people who are looking at our program is an
12 honor, to be very honest with you. It's a school that I
13 went to, and I know the staff there, and everyone's very
14 excited about it. And we're trying to instill these
15 principles in our children in their formative years, so
16 that as they become responsible adults, they can pass on
17 that responsibility.

18 CHAIRPERSON MULÉ: Great.

19 MS. STONER: Thank you, Board Members. I do
20 appreciate your time.

21 CHAIRPERSON MULÉ: Thank you. Thank you very
22 much.

23 Okay. Any other questions, comments?

24 With that, do I have a motion?

25 COMMITTEE MEMBER PEACE: I would be very happy to

1 move resolution No. 2007-180.

2 COMMITTEE MEMBER DANZINGER: Second.

3 CHAIRPERSON MULÉ: It was moved by Board Member
4 Peace and that was seconded by Board Member Danzinger.

5 Donnell, please call the roll.

6 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

7 COMMITTEE MEMBER DANZINGER: Aye.

8 EXECUTIVE ASSISTANT DUCLO: Peace?

9 COMMITTEE MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

11 CHAIRPERSON MULÉ: Aye.

12 That passes unanimously. And we will put that on
13 consent agenda for the full Board.

14 And now we're going to go back to agenda Item 1.

15 Thanks again, Howard, thank you staff, Cara, Tabetha,
16 great job.

17 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Madam
18 Chair, Ted Rauh again.

19 Item 2 -- actually, Item 1, excuse me, is
20 consideration of a new full solid waste compostable
21 material handling facilities permit for the Miramar
22 Greenery Composting Facility in San Diego County.

23 Bill Marciniak is here to present the item.

24 MR. MARCINIAK: Good afternoon, Madam Chair and
25 Board Members.

1 The Miramar Greenery Composting Facility is
2 located in the Miramar Landfill, which occupies the
3 southern portion of the Marine Corps Air Station, Miramar,
4 in the city of San Diego. It is operated by the City of
5 San Diego Environmental Services Department, and the land
6 was leased from the Marine Corps Air Station, Miramar.

7 The proposed permit will provide for consistency
8 with current regulatory requirements that require this
9 type of a facility be regulated by a compostable materials
10 handling permit.

11 The new permit will continue to allow for the
12 following: The receipt of compostable materials will
13 occur Monday through Friday 7:00 a.m. to 4:30 p.m. and
14 Saturday and Sunday, 7:30 a.m. to 4:30 p.m., with
15 ancillary operations occurring from dusk to dawn, from
16 down to dusk.

17 The facility's permitted tonnage for volume will
18 be a maximum of 460 tons per day or 1,550 cubic yards.
19 The facility acreage is 29.46 acres. The design capacity
20 of the facility for storage of compost -- storage of
21 feedstock, active compost, and product on site at any one
22 time will be 200,000 cubic yards. The annual permit
23 capacity of the site will be 144,000 tons.

24 The proposed permit allows for the following feed
25 stocks: greenwaste, shredded papers, clean dry wood,

1 preconsumer drywall, and will recognize the composting of
2 source separated food scraps.

3 No more than 10 percent of the total feed stock
4 received shall consist of woodwaste, food scraps, or
5 drywall.

6 The LEA has certified the application package as
7 complete and correct and the report of facility
8 information meets the requirements of the California Code
9 of Regulations. The LEA has determined that this new
10 permit is consistent with and supported by existing
11 California Environmental Quality Act analysis.

12 The Board staff also reviewed the proposed permit
13 and supporting documentation and found them to be
14 acceptable.

15 A prepermit inspection of the facility was
16 conducted on August 22nd, 2007, with the LEA. A permit
17 violation was documented. The information regarding this
18 issue is found on page 4 and 5 of the agenda item. The
19 issuance of the proposed full solid waste facility permit
20 will result in compliance with this issue.

21 In conclusion, Board staff recommends Option 1,
22 that the Board adopt Resolution 2007-190 for the solid
23 waste facility Permit No. 37-AB-0003.

24 Bill Prinz of the LEA and Lisa Wood of the City of
25 San Diego Environmental Services Department, and myself,

1 are available to answer any questions you may have.

2 CHAIRPERSON MULÉ: Thanks, Bill.

3 Any questions? Comments?

4 Board Member Peace?

5 COMMITTEE MEMBER PEACE: I might want to ask Bill

6 these questions.

7 MR. PRINZ: Bill Prinz, City of San Diego LEA.

8 COMMITTEE MEMBER PEACE: So do all the source

9 separated food scraps then come from the Marine Course Air
10 Station?

11 MR. PRINZ: Most of them come from the Marine
12 Corps Air Station, and a few are from the food processing
13 industry in San Diego.

14 COMMITTEE MEMBER PEACE: As long as they are going
15 to be less than the 10 percent?

16 MR. PRINZ: Yes.

17 COMMITTEE MEMBER PEACE: And then I noticed in the
18 agenda item -- I got a revised agenda item. Under the RFI
19 completeness, it says, "Board staff believes that
20 additional measures could be implemented to provide for
21 fire prevention." And that we "have recommended more
22 regular temperature monitoring of all feedstock piles as
23 an aspect of fire prevention as well as splitting of the
24 pile or removing the material on a more regular basis."
25 That was added.

1 Are any of those things in the permit and --

2 MR. PRINZ: There's a condition in the permit to
3 require more frequent processing for incoming green waste,
4 where we have -- it has to be ground up within 96 hours of
5 this feed being received at the site.

6 COMMITTEE MEMBER PEACE: These things that staff
7 have recommended, they sound reasonable to you?

8 MR. PRINZ: There has been some temperature
9 monitoring as a result of some, you know, occasional fires
10 in processed green material piles. So sometimes the pile
11 will increase in size as the facility gets, you know -- as
12 they try to move material off site and they need more
13 windrow space.

14 But what the operator has done is, they have more
15 frequency, you know, they will divide -- it's a fairly
16 large pile and they will process a half of it and put it
17 into windrows and then move part of the older part of the
18 pile over. And then basically they are trying to rotate
19 the pile, so there are areas that don't sit for a long
20 time and get hotter than other parts, and then so it's
21 less subject to spontaneous combustion.

22 COMMITTEE MEMBER PEACE: So are you going to be
23 making sure that these things that staff are recommending
24 do happen -- or because they are not necessarily in the
25 permit.

1 MR. PRINZ: They are not specified in the permit
2 at this time.

3 But they, the minimum standards, require the
4 temperature monitoring and, you know, we'll make sure that
5 gets done though. It's not very specific as to how that's
6 to be done.

7 So we've talked about -- basically, they are
8 trying to more actively rotate that pile and keep it
9 moving. And we can -- we have some provisions in the
10 permit to allow the LEA to add conditions for things like
11 fire, dust, odor, where we could become more stringent in
12 what we require, if needed.

13 Okay. Thank you.

14 CHAIRPERSON MULÉ: Thank you, Bill.

15 Do we have any other questions?

16 Before we move forward, I would like the record to
17 reflect that we have Board Member Chesbro, Board Member
18 Peterson, and Chair Brown with us as well. So thank you
19 all for being here. We have a full Board. That's great.
20 Thank you. Okay.

21 With that, may I have a motion?

22 COMMITTEE MEMBER PEACE: I have been out to the
23 greenery several times, and it is a really neat place, I
24 have to tell you.

25 So being from San Diego, I would be happy to move

1 Resolution 2007-190 Revised.

2 COMMITTEE MEMBER DANZINGER: Second.

3 CHAIRPERSON MULÉ: We have a motion by Board
4 Member Peace. That was seconded by Board Member
5 Danzinger.

6 We can substitute the previous roll. And we'll
7 put this one on consent as well.

8 So thank you again, City of San Diego, and the LEA
9 for being here today. We appreciate your coming up.

10 Our next item is Committee Item C, Board Agenda
11 Item 2. Ted?

12 EXECUTIVE DIRECTOR LEARY: If I may intervene for
13 a moment. Ted and I have conferred, and it would be our
14 recommendation, Madam Chair, and Committee Members, that
15 we defer this item to the full Board.

16 There are a number of unresolved issues that we
17 think could stand the benefit of an extra week of staff's
18 time to work towards resolution. And we don't believe
19 it's possible those items could be resolved as part of the
20 a committee hearing today. So we would like to recommend
21 we put this over to the full Board.

22 CHAIRPERSON MULÉ: Well, that's fine with me, if I
23 have concurrence of the committee members.

24 COMMITTEE MEMBER PEACE: That's fine with me. It
25 does say that a revised permit was received on

1 August 10th. That restarts the clock. Can we start the
2 clock again?

3 EXECUTIVE DIRECTOR LEARY: I think that's part of
4 the issues that need to be resolved.

5 Thank you.

6 CHAIRPERSON MULÉ: Okay. Then we will move this
7 one to the full Board for next week.

8 Thank you, all.

9 Moving on to Committee Item D, Board Agenda Item
10 3.

11 Ted?

12 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Thank
13 you, Madam Chair.

14 This item is consideration of a revised full solid
15 waste transfer processing facilities permit for the Blue
16 Line Material Recovery Facility in San Mateo County.

17 And Reinhard Hohlwein is here to make the
18 presentation.

19 MR. HOHLWEIN: Good afternoon.

20 CHAIRPERSON MULÉ: Good afternoon.

21 MR. HOHLWEIN: This item regards the issuance of a
22 revised solid waste facilities permit for the Blue Line
23 Material Recovery Facility, which is located on the edge
24 of the Bay, in the City of San Francisco, in the northern
25 portion of San Mateo County. The surrounding lands uses

1 to this facility are light industrial and multiple small
2 and medium office complexes.

3 The revised permit will allow the operator to
4 increase tonnage accepted at the site and increase
5 resource recovery of construction and demolition materials
6 at this large MRF. The proposed permit, as submitted,
7 will increase the permitted tonnage but will not increase
8 the daily traffic vehicle count.

9 The operator will continue to accept the transfer
10 waste from commercial haulers, allowing waste from in and
11 around South San Francisco.

12 The LEA has found the facility consistently in
13 compliance with state minimum standards. On June 21st of
14 this year, I went out there myself and also found the
15 facility to be in compliance.

16 Staff have made all the required findings, and
17 therefore staff recommends that the Board concur in the
18 issuance of the revised proposed permit as submitted by
19 the LEA, by adopting resolution 2007-192.

20 Should the committee have any questions, the
21 operator and the LEA are also here.

22 CHAIRPERSON MULÉ: Thank you very much.

23 Do we have any questions?

24 Board Member Peace?

25 COMMITTEE MEMBER PEACE: No, I don't really have

1 any questions. It looks all nice and clean. Yes, it's
2 wonderful. It was submitted on time to give the Board the
3 full 60 days that we needed to actually look this over.
4 Make sure that, you know, people and the environment are
5 adequately protected. And I think it's great. So I would
6 like to move resolution number -- I would like to move
7 Resolution 2007-192.

8 COMMITTEE MEMBER DANZINGER: I'm going to second
9 it. And inquire whether Reinhard can keep drawing the
10 long straw. I think it is like the third item--

11 MR. HOHLWEIN: Fourth.

12 COMMITTEE MEMBER DANZINGER: Fourth that you've
13 come to us with this, like, pristine past. So you are
14 doing a great job. You keep drawing the long straw.

15 MR. HOHLWEIN: Thanks for pointing that out.
16 We're happy about it.

17 COMMITTEE MEMBER DANZINGER: I'm seconding this.

18 CHAIRPERSON MULÉ: Great. And before we vote, I
19 just want to make a note of the stellar compliance
20 history. It's -- no violations.

21 MR. HOHLWEIN: It's a good site, definitely.

22 CHAIRPERSON MULÉ: Very good. I wish all
23 facilities could operate in this manner. So thank you
24 very much.

25 Okay. With that, we have a motion by Board Member

1 Peace, and that was seconded by Board Member Danzinger.

2 We'll substitute the previous roll call, and we
3 will put this on consent agenda as well.

4 Thank you all very much. Thank you for being here
5 today.

6 Okay. Our next agenda item is Committee Item E,
7 Board Agenda Item 4.

8 Ted?

9 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Yes,
10 thank you.

11 Looking around -- looking around for Scott Walker
12 here, so I will start the item and hopefully he will be
13 here shortly.

14 Item -- this item is consideration of the revised
15 eligible expenses and increases -- increase of the minimum
16 grant award for the local government amnesty event grant
17 program. And in accordance with the California Integrated
18 Waste Management Board's grant process, staff requested
19 approval to revise the eligible expenses and to increase
20 the maximum grant award for the local government amnesty
21 event grant program for fiscal year 2007/8.

22 The Board provided guidance to staff regarding
23 these changes, at its June 12, 2007, meeting, when it
24 adopted the five-year plan of waste tire recycling
25 management program.

1 And Scott is here to take us a little further into
2 depth on this item. Thank you.

3 COMMITTEE MEMBER DANZINGER: Scott, could you
4 start from the beginning? I don't like the way Ted kicked
5 that off?

6 CLEANUP BRANCH MANAGER WALKER: Ted was doing so
7 great. What can I say?

8 Scott Walker, Board Cleanup Branch. And I'm kind
9 of filling in. We got a lot of people at Angora, and
10 Dianne is out. So bear with me. But I'm not going to
11 have to get into too much more detail.

12 But basically, Public Resources Code Section 42889
13 requires the Board to pay the costs of cleanup abatement
14 and removal of -- and other remedial action related to
15 tire stockpiles. And PRC 42872 provides that the Board
16 can award grants to public entities who have to reduce
17 illegal disposal of waste tires. And pursuant to this
18 authority, the Board established the amnesty day grant
19 program and the local government waste tire cleanup grant
20 program. And this combined grant program started back in
21 2005. And each year we look at ways to try and make the
22 program better and to get more sites cleaned up.

23 And last May, the Board directed staff to bring
24 back for consideration criteria changes for a couple of
25 specific areas -- first being eligible expense items and

1 then the maximum grant award. And this was specifically
2 for the amnesty day grant part of the program.

3 So specifically what we do on this item is,
4 basically staff went back, we looked at the grant
5 applications, and what the applicants were actually
6 spending, and we concluded that there were two specific
7 changes to make, that we would propose.

8 The first is to add to eligible expenses for
9 reimbursement of grantees for staff costs of oversight and
10 advertising and educational material expenditures, up to a
11 maximum of 25 percent of the grant award. And again, this
12 is the amnesty day part of the grant program.

13 And then the second is to increase the maximum
14 grant amount under the amnesty event grant program to
15 \$30,000 per applicant -- per applicant as part of the
16 joint. So if you have two or three, you multiply that by
17 the 30,000.

18 Upon approval of this item, staff would issue a
19 notice of funds available. By November, we include the
20 specific items that are being changed for the grantees.
21 So that would be part of the NOFA.

22 So in conclusion, staff recommends the Board
23 approve Resolution 2007-196 to revise eligible expenses
24 and increase the maximum grant award for the local
25 government amnesty event grant program tire recycling

1 management fund, fiscal year 2007-2008.

2 That concludes my presentation. I would be happy
3 to answer any questions.

4 CHAIRPERSON MULÉ: Great. Thank you, Scott.

5 Before we take questions, we do have one speaker,
6 Larry Sweetzer.

7 Good afternoon.

8 MR. SWEETZER: Good afternoon, Board Members.

9 Larry Sweetzer on behalf of the rural counties.

10 Just a quick note, just in support of what the
11 Board staff has done with this item. A number of years
12 ago -- actually, one of the services we provide for our
13 counties is assisting them with some grants.

14 And a number of years ago, we were assisting
15 places like Alpine County, smallest County. They have
16 absolutely no staff to do anything with. And since we
17 weren't able to have the grant available to help the staff
18 in that county, they have ceased doing amnesty events. So
19 this ability, approving this item, would allow us to go
20 ahead and help those and other small counties. So we urge
21 your support.

22 Thanks.

23 CHAIRPERSON MULÉ: Sure. Thank you.

24 Any questions, Board Member Peace?

25 COMMITTEE MEMBER PEACE: I know we've heard

1 before, you know, from the different jurisdictions, that
2 they would like to be able to spend some of their money on
3 staffing.

4 And I guess, in general, I'm okay with that. But
5 then when we talk about the 25 percent, I guess a couple
6 of things concern me: One, if you look in the next item
7 for farm and ranch, the legislation had limited that to a
8 cost of 7 percent. And I realize that there is isn't
9 education in there. There isn't advertising in there.

10 But I guess not putting any cap on what could be
11 used for staff kind of concerns me, because 25 percent is
12 a lot of money. I would really hate to see the staffing
13 part be 20 percent and the education and the advertising
14 be maybe, you know, 5 percent. So I'm just wondering if
15 it makes sense maybe to cap the staffing part to
16 10 percent.

17 CLEANUP BRANCH MANAGER WALKER: I think, right
18 now, what staff proposes, we feel like the broad,
19 flexible, 25 percent would be sufficient. Now, some
20 jurisdictions -- I think 25 percent is a good cap for some
21 of these really small jurisdictions. Staff costs are
22 going to be a higher percentage of the overall amnesty day
23 grant.

24 We would propose to go with just --

25 COMMITTEE MEMBER PEACE: That would be higher than

1 the education and advertising?

2 CLEANUP BRANCH MANAGER WALKER: It's possible. It
3 is possible.

4 COMMITTEE MEMBER PEACE: Shouldn't advertising
5 usually be higher than staffing?

6 CLEANUP BRANCH MANAGER WALKER: It could be
7 possible. I think what we would propose to do is to try
8 it this year, come back, and we can tell you exactly what
9 those staff costs -- and we can discuss it. And if it's
10 something that is really not, you know -- it's out of hand
11 or it's really something the Board wants to revisit --
12 we're getting too much loading on the staff costs -- then
13 we could go ahead and propose the change at the next year.

14 For right now, we feel pretty comfortable with
15 this 25 percent, broadly flexible, on all those items.
16 And we feel pretty confident based on the total grant
17 projects we've seen, including both the Board funds --
18 funded part and the applicant's funded part, that this
19 should work.

20 COMMITTEE MEMBER PEACE: It still concerns me.
21 But I hate to see 20 percent going to staff. But if you
22 are telling me, it's going to be for a year and if you
23 report back to us how much was done on staffing and how
24 much was on advertising.

25 CLEANUP BRANCH MANAGER WALKER: Yes, we will. And

1 I would just like to add that in farm and ranch, the
2 7 percent cap is in statute. And that is a problem for
3 applicants. And so -- but we can't change that because
4 it's in statute.

5 CHAIRPERSON MULÉ: Statute can be changed.

6 CLEANUP BRANCH MANAGER WALKER: Statute can be
7 changed before we can actually implement it.

8 CHAIRPERSON MULÉ: Right.

9 COMMITTEE MEMBER PEACE: That was my only
10 question.

11 CHAIRPERSON MULÉ: Well, I support staff's
12 recommendation. And I think that, as we just heard from
13 Larry Sweetzer, there are a number of jurisdictions that
14 don't have the staffing to support this.

15 And so I think we should give the jurisdictions
16 the benefit of the doubt in making those decisions as to
17 how they spend their money. We've heard from them
18 repeatedly, over the years, that they needed additional
19 funding to help support staffing for these events as well
20 as the public outreach.

21 So again, I support staff's recommendation.

22 Any other questions or comments on that? Do I
23 have a motion?

24 COMMITTEE MEMBER PEACE: I would like to move
25 Resolution No. 2007-196.

1 COMMITTEE MEMBER DANZINGER: Second.

2 CHAIRPERSON MULÉ: That was moved by Board Member
3 Peace and seconded by Board Member Danzinger.

4 We can substitute the previous roll and put that
5 one on consent as well.

6 Thank you, Scott, for time on that one. And now
7 we have Committee Item F, Board Agenda Item 5.

8 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Yes, I
9 will do another quick pass at the introduction here.

10 CHAIRPERSON MULÉ: Great. Thank you, Ted.

11 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Madam
12 Chair, this item is consideration of two grant awards
13 totaling \$75,754 for the farm and ranch solid waste
14 cleanup and abatement grant program for the first quarter
15 of this fiscal year.

16 And again, Scott Walker is here to provide the
17 detailed description of these two proposals.

18 CLEANUP BRANCH MANAGER WALKER: Thank you. Scott
19 Walker, Cleanup Branch.

20 The amount requested in these applications being
21 brought before you today is \$75,754. And this represents
22 the first award of this fiscal year, the first cycle,
23 first quarter. It's quarterly cycle, the farm and ranch
24 grant program.

25 Approval of these applications, as recommended,

1 would be \$917,244 in the fund. Kind of a slow start, but
2 it's not -- you know, a lot of times the first one comes
3 out pretty slow. So we're hopeful this thing will kick in
4 this program later this year.

5 The farm and ranch grant program began in 1999 and
6 provides up to \$1 million each year to tribes, resource
7 conservation districts, and local governments to clean up
8 illegal dumping sites on farm and ranch property, where
9 the property owner is not responsible for the dumping.
10 Applicants may request up to \$50,000 per site and \$200,000
11 per fiscal year.

12 Two applications were received in this application
13 cycle, for clean up of six sites. Both sites have been
14 reviewed for eligibility, scored. And five of the six
15 sites are being recommended for today.

16 One of the sites was disallowed in the San Joaquin
17 application. They took it out of the application because
18 it didn't meet criteria. It -- they weren't able to
19 provide the assurance that the whole site would get
20 cleaned up above the 50,000 limit. So they agreed to take
21 that out. And working with them now and we're going to
22 try to resolve that site.

23 The sites being requested for cleanup are, again,
24 besides the County of the San Joaquin, the other area is
25 in the County of Sutter. Removal of the waste will

1 restore properties back to their natural state and remove
2 the threat to public health and safety and reduce the
3 attractive nuisance.

4 Both applicants have indicated efforts to prevent
5 waste from being redeposited, through efforts such as
6 fencing and gates, earth and berms, sign posting, and
7 installation of surveillance cameras.

8 Staff concluded both applications meet the
9 eligibility requirements for the farm and ranch grant
10 program. And we recommend that the Board adopt Resolution
11 2007-195 to approve the award of up to \$75,754 for grant
12 applications from the County of San Joaquin and the Sutter
13 County Resource Conservation District.

14 That concludes staff's presentation. I would be
15 happy to answer any questions.

16 CHAIRPERSON MULE: Thanks, Scott.

17 Questions, anybody, on this one? Any questions?
18 That was pretty self-explanatory.

19 COMMITTEE MEMBER PEACE: I have questions.

20 Under the Sutter one, it says, the waste was left
21 there before the current owner took possession.

22 Do you know if it was there when he brought the
23 property?

24 CLEANUP BRANCH MANAGER WALKER: Well, the signed
25 affidavit would essentially hold them accountable for

1 basically them, essentially, not being responsible for the
2 dumping. There's no evidence to suggest that he knew that
3 when he bought the property.

4 COMMITTEE MEMBER PEACE: I guess what comes into
5 my mind is that there's a big pile on that property and
6 they got maybe a discount on their property, because they
7 said they would clean it up as a condition of buying the
8 property and knock off several hundred thousand dollars,
9 several thousand dollars, so we will clean it. So they
10 kind of always -- things run through my mind when I see
11 stuff like that.

12 But another thing is, there's quite a bit of money
13 in the fund. And before the year is done and not a
14 quarter of the amount of money has been used, you said
15 that would probably kick in.

16 I'm just wondering, if it doesn't kick in and
17 there's quite a bit of money left, I guess we've had some
18 tire-interested parties, people kind of think that the
19 tire fund is putting in too much money into this, a
20 inappropriate amount of money for the amount of the tires
21 that are being cleaned up.

22 Like in this case, there's 85-plus tires being
23 cleaned up. Take 45 percent of \$75,000, it's like \$30,000
24 to clean up those tires. They are saying, "Well, that's
25 not really fair."

1 So I'm just wondering, if you get to the end of
2 fiscal here and there's still quite a bit of money left in
3 this fund, what happens to that -- what happens to that
4 money? Is any part of that money going back to the tire
5 fund to be reallocated?

6 CLEANUP BRANCH MANAGER WALKER: Well, as I you
7 said it, any unspent money, what happens is, the following
8 year, the transfer is adjusted. So if there's, like, you
9 know, maybe \$200,000 left in the fund, the following year,
10 if it's up to a million, 800,000 is taken out. So
11 proportionally, from the tire, used oil, and IWMA, there's
12 less taken out. So it is accommodated -- you know, the
13 funds of the money comes out of the --

14 COMMITTEE MEMBER PEACE: It doesn't go back in --

15 CLEANUP BRANCH MANAGER WALKER: Yeah, it doesn't
16 go back in, but it's adjusted the following year, so less
17 comes out.

18 So technically, it does go back in. I mean, it's
19 just a matter of semantics on how you look at it.

20 COMMITTEE MEMBER PEACE: But it still stays at the
21 40 percent then?

22 CLEANUP BRANCH MANAGER WALKER: The ratio still
23 stays.

24 COMMITTEE MEMBER PEACE: The tire-interested
25 parties are thinking that the 40 percent is kind of high

1 for this fund. And I was just wondering, would it be so
2 high if at the end of the year, proportionally, some of
3 that money staying in there would go back to the tire fund
4 to be reallocated.

5 CLEANUP BRANCH MANAGER WALKER: Well, we've looked
6 at the funding money in the proportional log. And again,
7 in time, it may not look like this one. It looks like the
8 tire is coming up.

9 But proportionally, overall, we feel confident
10 that the ratio is reasonable.

11 You know, one of the things is, in the local
12 government tire cleanup program, if it's on farm and ranch
13 property, a tire site, that has to go first in the farm
14 and ranch program. So sometimes we get some sole tire
15 cleanup sites. And so very well -- very possibly, we're
16 going to get some of the these more in the year.

17 And again, you know, last year we had a pretty
18 good -- I think it was the third cycle. It was really
19 big. And we pretty well got fully utilized.

20 So -- and then the illegal dumping team that we're
21 looking at, we're looking at ways to maybe make the
22 program a little bit more amenable, so that may be coming
23 to the Board sometime this year.

24 So I think right now, as it looks, I think we're
25 pretty comfortable. But certainly, later in the year, we

1 can reevaluate and look at it.

2 COMMITTEE MEMBER PEACE: Okay.

3 CHAIRPERSON MULÉ: Thank you.

4 Any other questions for staff on this one?

5 Okay.

6 Do I have a motion?

7 COMMITTEE MEMBER PEACE: I would like to move

8 Resolution No. 2007-195.

9 COMMITTEE MEMBER DANZINGER: Second.

10 CHAIRPERSON MULÉ: We have a motion by Board

11 Member Peace, seconded by Danzinger.

12 Call the roll, please.

13 EXECUTIVE ASSISTANT DUCLO: Members Danzinger?

14 COMMITTEE MEMBER DANZINGER: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Peace?

16 COMMITTEE MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

18 CHAIRPERSON MULÉ: Aye.

19 And we'll put that one on fiscal consent.

20 Thanks again, Scott.

21 And now we're going to do Items G and H together,

22 6 and 7?

23 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Yes, we

24 can, if you care to do it that way.

25 I can go ahead and do a quick overview of both

1 items.

2 CHAIRPERSON MULÉ: Okay. That would be great.

3 Thank you.

4 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Item G is
5 consideration of the scope of work for the engineers
6 services contract for landfill, disposal site, and waste
7 tire site remediation.

8 The program is under the solid waste disposal and
9 codisposal site cleanup and waste tire stabilization and
10 abatement programs.

11 Basically, the contract will run through 2007/8
12 all the way to 2009/10. Contract would be for a
13 not-to-exceed amount of \$1.3 million with initial funding
14 proposed at 400,000 for solid waste disposal trust fund
15 monies, and 100,000 for the tire recycling management
16 fund.

17 The co-item we're going to consider is
18 consideration of scope of work for two environmental
19 service contracts, one for northern California and one for
20 Southern California.

21 And I see we have a visual up. So I'm going to
22 stop there and turn it over the Scott.

23 Thank you, Scott.

24 CLEANUP BRANCH MANAGER WALKER: Thank you, Ted.
25 Scott Walker, Cleanup Branch.

1 (Thereupon an overhead presentation was
2 presented as follows.)

3 CLEANUP BRANCH MANAGER WALKER: And as Ted
4 mentioned, these two items, it's kind of linked, so we're
5 going to present them both, together. Some of the
6 information is basically the same for both items, so
7 hopefully this will be clear.

8 These items address consideration of the scopes of
9 work for initiating a new round of contracts necessary to
10 maintain the capabilities of the Board's cleanup programs.
11 The current contracts expire May of '08, and this is the
12 same type of approach -- these contracts, we've used since
13 1994. We've been able to do Angora and the other
14 projects. Mainly the Board managed a component of this
15 program.

16 We established these contracts through the request
17 for qualifications contracting process. We're not
18 proposing any significant changes other than we are
19 recommending combining the scope of work items and
20 combining, consolidating, the contracts for the tire
21 remediation work into the solid waste cleanup program
22 contracts. So the environmental services would go from
23 three contracts to two contracts. The same capability
24 would be much more efficient. Limited resources will
25 better match the demand for projects.

1 --o0o--

2 CLEANUP BRANCH MANAGER WALKER: A little bit about
3 the authority again. Just -- the solid waste cleanup
4 program, Public Resources Code 48021, essentially
5 established the program. The Board may expend funds
6 directly for cleanup. Essentially, it's a program to
7 clean up where the responsible party can not be identified
8 or is unable or unwilling to provide a timely cleanup
9 where cleanup is required.

10 And we have a direct contract expenditure aspect
11 of this in the statute. And with the Board-managed
12 component, this basically directs the Board in that area.

13 In PRC 48027, the solid waste trust fund was
14 created. The monies in the trust fund are continuously
15 appropriated for Board expenditure without regard to
16 fiscal years. It makes it very flexible for the Board to
17 do projects, like Angora, where nobody else had an
18 accessible fund program. We're able to do it with this
19 program, coupled with having these contracts in place. It
20 gives the Board a lot of the flexibility.

21 Now, waste tire sites, there's a similar provision
22 in Public Resources Code 42846, which allows the Board to
23 spend monies directly for cleanup, and the Board's had a
24 number of projects and tire -- I'm getting the tire
25 cleanup back. I used to have it before 2000. We cleaned

1 up over 10 million tires then. And since that time, we've
2 cleaned up other millions in tire fire sites, and there's
3 been a lot of work there.

4 Solid waste cleanup program, we've had 180
5 projects. We've approved about \$80 million in funding;
6 \$90 million of funds leveraged; 7 million cost recovery.
7 It's just -- it's a pretty big program for the Board,
8 pretty successful. A lot of big successes over the years.

9 --o0o--

10 CLEANUP BRANCH MANAGER WALKER: The engineering
11 services contract, this is a core contract for the
12 program, supports the program by performing -- in
13 performing timely remediations by providing the
14 engineering services.

15 Engineering services include, like, site surveys,
16 field characterization waste, implement analysis, site
17 specific remediation plans and specifications, permits,
18 construction quality assurance, construction management,
19 community education and outreach programs. Those are just
20 the highlights from the scope of work in Attachment 1.

21 I would also like to point out that we do use this
22 contract to support matching grants from time to time. An
23 example is the city of Duarte. You know, we would rather
24 get grant applications so that we can, you know, focus our
25 resources. And in that particular case, we are -- it

1 appears we are successful in helping to design expansion
2 of the gas systems so that the city can apply for matching
3 grant and actually finish it themselves. So we're kind of
4 helping them along on that. And we use, occasionally,
5 these contracts to do that where it's appropriate.

6 It's a work order based contract. So the reports
7 of the scope of work and the contract that the Board
8 approves -- the staff issued work orders based on the
9 individual tasks and projects. So it's dynamic, and we
10 have a lot of control and flexibility.

11 The funding for the proposed allocation -- and
12 again, this is scope of work item, encumbering the funds
13 comes with awards. So this just kind of lays out how we
14 see or what we recommend in the preliminary allocation.

15 Based on need, we see each fiscal year \$400,000
16 from the solid waste trust fund. First year, we have
17 another hundred thousand dollars from the tire fund, which
18 this contract you would have relatively less tire support
19 work needed.

20 But again, based on the scenario of need that we
21 have identified, the need to exceed would be \$1.3 million.

22 And again, this contract, we would plan, if the
23 board approves this item, to go forward with the RFP
24 process, be back by April for consideration of award, and
25 then the contract and the normal cycle would terminate in

1 May of 2010.

2 Environmental services contracts --

3 --o0o--

4 CLEANUP BRANCH MANAGER WALKER: This is the
5 physical work for cleanup. This is -- they actually do
6 the cleanup contracts on the site, picking up trash,
7 putting it in trucks, making sure it's done right.

8 And you can see in the slides. That's from
9 Angora. It's a basic -- you know, you see an excavator
10 there; you see the guys in the field, dressed
11 appropriately; you know, health and safety procedures;
12 putting the stuff in the trucks, hauling them away, making
13 sure it's done right.

14 And in these contracts we have two contracts,
15 which gives the Board a maximum flexibility -- the
16 geographic base, north and south contracts. And each
17 contract is both a backup for the other. And again, the
18 scopes of work, Attachments 1 and 2, separated from each
19 section, both the same, the north and the south.

20 Don't have to really go into it further. I can if
21 you would like to talk about it a little bit more.

22 Again, it's work-order based.

23 And the funding allocation projected, about
24 1.5 million a year. And then in accordance with the
25 tire -- five year tire plan, which is -- lays out through

1 the years of short-term remediations, we've proposed
2 allocations, based on that tire fund.

3 COMMITTEE MEMBER PEACE: Can I ask a question in
4 regards to that? When you're splitting the north and the
5 south equally -- and I was just wondering, because in the
6 tire fund you still have some legacy funds to take care
7 of. And I don't know what there is in Southern
8 California. So we need more money for the northern
9 California?

10 CLEANUP BRANCH MANAGER WALKER: Well, I will show
11 you -- if you hold a little bit, I will show you another
12 slide on the contract status. We can talk about that a
13 little bit more, and I think it will work better.

14 So but let me just -- let me just finish up on
15 this side. But the not-to-exceed would be 5.7 million.
16 And we feel this should accommodate the cleanups. And
17 essentially the same contract terms.

18 --o0o--

19 CLEANUP BRANCH MANAGER WALKER: There we go.
20 Just -- this ties in directly, Board Member Peace, with
21 your questions. This gives you a current contract status.
22 And the question on the environmental services, you see,
23 we have a current contract with ERRG on the tire program.
24 We have, right now, with tire sites, we have three Sonoma
25 sites, we have another one that's relatively newly

1 identified, but we'll probably add on. And then we have
2 another short-term remediation project.

3 It is unlikely that that contract is going to be
4 able to be used because we're getting into the wet season,
5 and if you recall, at Sonoma, we have a lot of problems in
6 the wet season. And we don't want to be out there. The
7 process, we're getting headway on it, but the bulk on that
8 work is going to be after the contract.

9 But right now, we do project that -- and again,
10 the solid waste cleanup program contracts, we have enough
11 to accommodate new projects. We'll probably bring a
12 couple of projects to the Board in October. So we feel
13 comfortable there.

14 With the allocation and the nature of the size of
15 the sites in Sonoma that we know now, we're pretty
16 confident, within that allocation of the tire program, for
17 the new contracts, that we will be able to handle those
18 sites. They are fairly big, but they are not huge. You
19 know, obviously there are not a lot -- the sites left are
20 relatively small; there's a couple of tricky ones. So
21 we're pretty confident we can handle it with the new
22 contracts.

23 And if we could do it under the existing
24 contracts, we would. But it's just not going to be timely
25 enough. We're not going to be able to do that.

1 COMMITTEE MEMBER PEACE: You say these figures
2 include the Angora project cost reimbursement. So we've
3 gotten our money back?

4 CLEANUP BRANCH MANAGER WALKER: We haven't gotten
5 our money back, but basically, we have the MOU and we're
6 just giving them our costs now, and there's no reason to
7 not assume, right now, that we're going to get our cost
8 reimbursement.

9 COMMITTEE MEMBER PEACE: What were the total
10 costs?

11 CHAIRPERSON MULÉ: I think that's what Ted had
12 referred to that in his director report. They are
13 finalizing all of the numbers, and then they will be
14 presenting that to OES.

15 PERMITTING & ENFORCEMENT DIRECTOR RAUH: That's
16 correct. Actually, Department of Finance will be making a
17 presentation which will include all the costs,
18 information, at the October Board meeting.

19 COMMITTEE MEMBER PEACE: Okay. Thank you.

20 CLEANUP BRANCH MANAGER WALKER: We're going to
21 probably be pretty close to that 7 million mark.

22 CHAIRPERSON MULÉ: Great.

23 CLEANUP BRANCH MANAGER WALKER: We're hoping for a
24 little more, but we will be pretty close right now.

25 --o0o--

1 CLEANUP BRANCH MANAGER WALKER: Now just a summary
2 for the fund status, again, for both items. This is --
3 again, assumes Angora project cost reimbursement with the
4 unreserve balance and the fiscal year 2007/08
5 appropriation.

6 The balance available for all new contracts is
7 \$7.8 million. These proposed allocations are -- would,
8 again, encumber upon consideration of award, to be about
9 3.4 million. So we would have \$4.4 million available for
10 new grants, loans, and other contracts.

11 I would line to point out, we did a typo in the
12 item on "environmental services" in the fiscal section,
13 page 4. We put a \$4.3 million available. That actually
14 would be changed so it's 4.4, which is the correct number.

15 And then also on -- in addition, we have the tire
16 fund allocation of \$1 million.

17 --o0o--

18 CLEANUP BRANCH MANAGER WALKER: So in conclusion,
19 staff recommend the Board adopt Resolutions 2007-197 for
20 Item 6 -- Item G, the engineering services contract; and
21 Resolution Nos. 2007-198 and 2007-204, for Item H, Item 7,
22 for the two environmental services contracts, which would,
23 number one, approve the scopes of work to implement these
24 contracts; and two, to authorize staff to develop and
25 advertise pursuant to the RFQ process, and select

1 contractors which we would later present to you for
2 consideration.

3 That concludes my presentation. I would be happy
4 to answer any questions.

5 CHAIRPERSON MULÉ: Great. Thank, Scott. That was
6 a really good presentation. Appreciate that.

7 Any questions for Scott or anyone?

8 COMMITTEE MEMBER PEACE: I do --

9 CHAIRPERSON MULÉ: Board Member Peace?

10 COMMITTEE MEMBER PEACE: I have a question. It
11 has to do in the funding box, on Item 6. I don't --
12 sometimes it seems to me, in the past, and maybe things
13 will change that we didn't -- it says the amount to fund
14 item would just be zero because it was a scope of work.
15 And we didn't put the amount in until we awarded the
16 contract.

17 And then also, say the subsequent item, in 7,
18 where you start off with the same amount, same point --
19 you know, 7.8 million instead of reducing it by the amount
20 that would be reduced if we approved the previous item,
21 that you have the whole amount instead of adjusting it
22 subsequently, like some of the items had been done in the
23 past.

24 I mean, can you tell me how we're going to be
25 doing all the agenda items now where the scope of work,

1 the money is taken out....

2 CLEANUP BRANCH MANAGER WALKER: In the past, even
3 with the allocation where it's not encumbered, we have put
4 the funding strip with the, you know, money subtracted
5 out. But the one thing that we did different here was,
6 there was a preference of the budget office, was to
7 basically have the total amount and then the separating it
8 out. So in case one item gets approved the other one
9 would occupy it. So I know it's confusing --

10 COMMITTEE MEMBER PEACE: It is confusing.

11 CLEANUP BRANCH MANAGER WALKER: -- and that's why
12 we were hoping the slide would help. The text discussion
13 was intended to try to clarify that.

14 I think the other thing to understand is that
15 since the fund is dynamic, you know, things change. And
16 so when we come back to actually encumber, we want to make
17 it clear that this item doesn't encumber the money. It
18 kind of lays out the projected allocation so we could
19 plan, and also have an idea of what we have available for
20 grants so that we get going on the grant program.

21 So certainly, we'll work with the Board to try and
22 make that clear in the future, because I know it was
23 confusing.

24 COMMITTEE MEMBER PEACE: There should be a star on
25 the previous item -- is, you know, passed. And this is

1 what the actual amount would be.

2 And just to make sure that, then, all the items,
3 no matter what division they are in, or if they are all
4 the same, because it seems to me, I have seen things where
5 they did not put the amount of the item and the contract
6 was actually awarded. And then, like I say, reduce the
7 amount in subsequent items. So as long as they are done
8 all the same, that would be less confusing.

9 EXECUTIVE DIRECTOR LEARY: Understood.

10 Thank you.

11 CHAIRPERSON MULÉ: Okay. Any other questions?

12 Let's take each of these items up separately.

13 First we have resolution 2007-197.

14 Is there a motion?

15 COMMITTEE MEMBER PEACE: I would like to move

16 Resolution 2007-197.

17 COMMITTEE MEMBER DANZINGER: Second.

18 CHAIRPERSON MULÉ: That was moved by Board Member
19 Peace and seconded Board Member Danzinger.

20 Donnell, could you call the roll on this one?

21 EXECUTIVE ASSISTANT DUCLO: Members Danzinger?

22 COMMITTEE MEMBER DANZINGER: Aye.

23 EXECUTIVE ASSISTANT DUCLO: Peace?

24 COMMITTEE MEMBER PEACE: Aye.

25 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

1 CHAIRPERSON MULÉ: Aye.

2 Next one is 2007-198.

3 COMMITTEE MEMBER PEACE: I would like to move
4 resolution No. 2007-198.

5 COMMITTEE MEMBER DANZINGER: Second.

6 CHAIRPERSON MULÉ: That was moved by Board Member
7 Peace, seconded by Board Member Danzinger.

8 We'll substitute the previous roll. We will put
9 both of those on consent agenda.

10 And the final is 2007-204.

11 COMMITTEE MEMBER PEACE: I move Resolution No.
12 2007-204.

13 COMMITTEE MEMBER DANZINGER: Second.

14 CHAIRPERSON MULÉ: Moved by Peace, seconded by
15 Danzinger.

16 We'll substitute the previous roll, and put that
17 one on consent as well.

18 Thank you very much, Scott, for your presentation,
19 again.

20 And we will now move to agenda -- Committee Item
21 I, Board Item 8.

22 PERMITTING & ENFORCEMENT DIRECTOR RAUH: This is
23 Ted Rauh again.

24 This item is consideration of approval of scope of
25 work and a contractor to provide training facilities and

1 support for law enforcement personnel on waste tire
2 compliance issues.

3 The Board staff, CHP staff, waste tire grantees,
4 and local law enforcement staff have discussed a more
5 comprehensive training program than the 90 minutes of
6 training that we currently have provided. And basically,
7 this issue or this item will present a contract to execute
8 a more expanded training program and provide training for
9 200 folks involved in the important issues of tire
10 compliance in the state.

11 With me today, Darryl Petker to present the item.

12 CHAIRPERSON MULÉ: Good afternoon.

13 MR. PETKER: Good afternoon, Board members. My
14 name is Darryl Petker. And I'm here to talk to you about
15 this item.

16 What we're asking you to do and approve today is
17 an item for \$35,000 coming from the waste tire management
18 fund, the recycling management fund.

19 The concept came from examples we've learned and
20 training we've always provided, or have been providing
21 with the CHP. We've had some great successes with the
22 training and then the buildup and activities of the law
23 enforcement personnel, both city and CHP, after the
24 training. And we're trying to keep that going.

25 Now, we've sat down with CHP, local law

1 enforcement, our own staff, and waste tire grantees to see
2 if they like this idea. We've had a few discussions, and
3 everybody's on board with it. And including the OES. And
4 I should have stopped here, but I would like to
5 introduce -- and if there's any questions, is Jeff Leep --
6 Ken Leep from OES who's here in support of this.

7 CHP had training; otherwise, they would have been
8 here also for any comments.

9 This is a one-time contract we're asking for and
10 it's for training of, again, the CHP, the local law
11 enforcement personnel, waste tire grantees, ours, and for
12 our inspectors.

13 What we're looking at is a curriculum to expand on
14 the training we've already done, because we've seen a need
15 for it. And we're looking up to about a three-day
16 training, or a three-day training, and three or more
17 sessions of that.

18 It will probably be Tuesday through Thursday.
19 That leaves Monday through -- Monday and Friday for travel
20 so, we don't limit any overtime.

21 Now, part of the thing that we picked on -- why we
22 picked three days is, we had groups get together and kind
23 of look at curriculums and what classes we want to hold
24 and how long we had for that. And a lot of people wanted
25 more time. My thought was, let's try and do it with three

1 days and limit the overtime and necessity of moving
2 people's schedules around and things like that.

3 Class size, we're trying to limit it to 50. Part
4 of the reason for that is that the facility we're asking
5 to go to seats 50 comfortably and can service a group of
6 50 very comfortably.

7 Curriculum and training has not been developed.
8 It's been thought through. But the actual bullet points
9 and the actual topics have not been fully developed yet,
10 While we have a good handle on what we want to do. And
11 they will be developed in a working relationship with the
12 CHP, with OES, the grantees, local enforcement, and our
13 own staff, who will also be teaching those courses.

14 All those people that are helping develop it will
15 take their best expertise, and they will be plugged into
16 teaching that.

17 The training, we're suggesting be by geographical
18 area. We could do just mass training all over the state.
19 And what we found and we think would be a good idea that
20 if we lump them into areas -- so the Southern California,
21 the grantees, the inspectors, the officers, would all
22 train together. So not only would they train together,
23 hear the same message, but they'd also be able to network.

24 We found that really beneficial both in Gilroy and
25 in Southern California, along the border, where the

1 grantees and the law enforcement personnel call each other
2 now, and we're almost out of the loop. They just take
3 care of it. And they get it done and sometimes we hear
4 about it and sometimes we don't. Which is kind of nice.
5 It's like where we would like to end up.

6 So the areas we're looking at, is Southern
7 California, central California, and northern. And if
8 possible, what we're going to try to do to get another one
9 is, we're going to break up Central Valley and the central
10 coast, because geographically, that makes sense to us, as
11 far as the work that's out there and locations.

12 The facility itself -- oh, yes, OES and CSTI, as
13 part of OES, has been part of law enforcement, first
14 responder training for the state for a long time.

15 Ken just advised me that they are the only state
16 agency that does statewide, things like this, and has the
17 facilities to do it, other than maybe the CHP academy,
18 which isn't available to us. There are local people that
19 do it.

20 Our thought on picking them was that, one, this is
21 a little isolated so everybody's held together. They are
22 not off running around and they will communicate with each
23 other. Two, it's central, so we have the same facilities,
24 the same message sent out for those in the northern
25 California and Southern, so we don't have to redo and do

1 all the logistics of different locations, and they have
2 the facilities we need. They have the classroom set up,
3 they have the working room set up, so we can go off and do
4 little sessions. And they have the outdoor facilities for
5 that we're going to need for the training we want to do.
6 So that when we do field exercises, they have that ability
7 right there to do it. They also have vehicles that we can
8 use as part of the agreement so we don't have to go out
9 and rent some more, saving on some of our own time.

10 Some of the -- some of the areas that are going to
11 be talked about is training -- and I won't hit them all.
12 I will kind of highlight the areas -- will include review
13 of statutes and regulations. We'll have field training
14 sessions, so we'll have stuff in class, and then we'll
15 practice it outside of class. And I can go into more
16 detail about some of those if you wanted. I'll just try
17 and limit the time that I'm up here.

18 We'll have personal safety issues, which has been
19 very important to every party involved. And we're going
20 to be talking about that. Courtroom preparation;
21 surveillance. OES has agreed to supply and seems to be
22 very -- one, they do a good job on this. Two, they are on
23 board with it and are looking forward to it. They will
24 facilitate -- they will facilitate, the meetings, the
25 classrooms, everything that we need, and provide

1 administrative support. They will help review our
2 training manuals. They will print most of -- all of the
3 material for us, and they will coordinate all the indoor
4 and outdoor activities.

5 So that kind of -- one other issue that came up
6 is, who's going to be and where the funds are coming from
7 for the different issues. Each organization -- it's our
8 stance now, each organization will be paying for their own
9 responsibilities -- for their travel, for their rooms, for
10 stuff like that. So we'll be paying for ours. CHP will
11 hopefully pay for theirs. OES, we're under contract with.
12 The grantees will probably be using grantee money. And if
13 there's local law enforcement involved, they will be using
14 their own funds for the training.

15 Training is scheduled to out in the spring. So we
16 have plenty of time to get organized, get the word out.

17 The only really downside on the training that we
18 can see is if there's a catastrophe that comes up and
19 there's a big call for law enforcement to not be able to
20 go anywhere and they have to stay where they are at, is
21 the only really issue I see in the development of this.

22 So with that, I think I have hit most of the
23 topics.

24 If you have any questions, please.

25 CHAIRPERSON MULE: Thank you, Darryl.

1 Do we have any questions for Darryl? Board Member
2 Peace?

3 COMMITTEE MEMBER PEACE: I have some questions for
4 Darryl.

5 Sounds like you thought this pretty well through
6 and that you've had stakeholder input.

7 But when I read through the item, my first thought
8 was that, San Luis Obispo is awful far away. Why aren't
9 you doing it regionally? I think you did answer those
10 questions, so I'm okay with trying this for a year to see
11 how it goes.

12 Another thing is, my first thought is, when you
13 are saying three to four days -- of course, now you are
14 saying three -- I'm just wondering, when you talk to the
15 CHP and our waste tire grantees, whose tire enforcement
16 isn't their main focus, are they going to be able to take
17 that amount of time off from their, you know, regular jobs
18 to be able to go to, you know, like a seminar on something
19 that really isn't their main focus on their job?

20 MR. PETKER: We've talked to a couple of directors
21 for the grantees, and all of them liked the idea. I can't
22 give you an absolute yes. All I've got is encouragement.
23 "We like it. We'll be happy to send somebody. Just give
24 us plenty of notice and warning."

25 We don't have a list of absolute sign-ups, no.

1 But everything I've asked --

2 COMMITTEE MEMBER PEACE: Is that from the CHP too?

3 MR. PETKER: From the CHP? Yeah. The training
4 directors have said they are on board with it.

5 COMMITTEE MEMBER PEACE: I'm willing to try it for
6 a year.

7 My only other question is there's 50 attendees.
8 I'm just wondering if you're talking about CHP and waste
9 tire enforcement grantees. I was wondering, do you think
10 that maybe you can extend that to non-waste tire
11 enforcement grantees if there's room available?

12 I guess I'm thinking -- my point, like in San
13 Diego, we're really trying to encourage the county to get
14 a grant. So if, like, they were invited, they could maybe
15 send somebody or saw something that said, "Oh, gee, we
16 could go to that and use the state funds if we had a
17 grant."

18 And then I know the City of San Diego is always
19 trying to get the County to go in with them so they can
20 work together. Is there -- have you put any thought like
21 if you didn't get 50, that you could....

22 CHAIRPERSON MULÉ: Well, I think that might be an
23 incentive for them to apply for the waste fire enforcement
24 grant is that they would be able to have their training
25 paid for.

1 COMMITTEE MEMBER PEACE: They are not getting the
2 invite because they are not a grantee.

3 CHAIRPERSON MULÉ: But if they apply for the grant
4 and receive the grant, then they will be able to attend
5 the training and have it paid for through the grant. That
6 is an incentive.

7 COMMITTEE MEMBER PEACE: That is a definite
8 incentive.

9 CHAIRPERSON MULÉ: Right. Okay.

10 Any other questions?

11 I did have similar questions to Board Member
12 Peace's as far as, you know, the regional versus having it
13 in one location.

14 Darryl, you and I talked about getting to and
15 from, you know, the travel issue, and then also going from
16 a 90-minute training to a three-day training. Something
17 else -- we may want to consider maybe doing a two-day
18 training with up and back. I know that when we had the
19 MOLO trainings back a few years ago, there were a number
20 of participants that really struggled with taking an
21 entire week out of the office or out of the field for the
22 training.

23 So something -- just something for us to consider.
24 We may want to look at two days or something like that.
25 We may want to consider having a north or south training.

1 I'm just saying, I know from some of the feedback I
2 received from the MOLO training, there were some issues
3 with that.

4 And I think it's a great concept. I love the idea
5 of CHP, tire inspectors, and grantees, all in the same
6 room, at the same time, hearing the same thing and
7 networking. That's very, very critical. So again, with
8 that, just some recommendations.

9 MR. PETKER: We'll discuss all those issues.

10 Thank you.

11 CHAIRPERSON MULÉ: Okay. Do I have a motion?

12 COMMITTEE MEMBER PEACE: I am still concerned as
13 well as for travel costs, hotel costs. We are asking them
14 to pay, but I'm willing to try anything once.

15 So with that I will move Resolution 2007-193.

16 COMMITTEE MEMBER DANZINGER: Second.

17 CHAIRPERSON MULÉ: We have a motion by Board
18 Member Peace, seconded by Board Member Danzinger.

19 Donnell, call the roll, please.

20 EXECUTIVE ASSISTANT DUCLO: Members Danzinger?

21 COMMITTEE MEMBER DANZINGER: Aye.

22 EXECUTIVE ASSISTANT DUCLO: Peace?

23 COMMITTEE MEMBER PEACE: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

25 CHAIRPERSON MULÉ: Aye.

1 That passes. And we will put that on fiscal
2 consent.

3 Thank you very much, Darryl. Appreciate it.

4 Moving on, we are now at Board Agenda Item 9 and
5 Committee Item J.

6 PERMITTING & ENFORCEMENT DIRECTOR RAUH: Yes,
7 Madam Chair. Ted Rauh again.

8 This item -- the purpose of this item is to seek
9 approval of the Board to notice a rulemaking for the
10 permanent adoption of the store recordkeeping and
11 reporting requirements as mandated by law at its June 12
12 emergency regulations for plastic carry-out bag
13 recordkeeping and reporting requirements for store
14 operators and their designated reporting parties.

15 These regulations are in effect until
16 January 26th of 2008. The proposal would ask that the
17 Board's approval to proceed with the formal regulatory
18 process.

19 And here to present this item, Neal Johnson. Take
20 it away, Neal.

21 MR. JOHNSON: Thank you, Madam Chair, members of
22 the committee. We are here -- get our presentation.

23 (Thereupon an overhead presentation was
24 presented as follows.)

25 MR. JOHNSON: This item is to get guidance and

1 direction on noticing for the final regulations for the
2 at-store recycling programs created by Assembly Bill 2449
3 from last year.

4 And I think in June, when the Board approved the
5 emergency regulations, most of the general concepts were
6 covered. This package is very similar to the emergency
7 regulations that the Board approved and OAL subsequently
8 adopted. There's been a little bit of tweaking with
9 respect to exactly how the reporting and the use of the
10 comingled recycling rate, and we may well have to revise
11 that again.

12 We are here to ask for Board direction to fil a
13 notice with OAL to being a 45-day comment period. It is
14 our estimate that we will actually file around the first
15 of November. And then during that period, we would
16 undoubtedly get comments. We will schedule public hearing
17 to occur sometime after the end of the 45-day period.

18 When one starts looking at the calendar, we're now
19 into the holiday season. So not quite clear whether we
20 will opt for, in the end of December or early January.
21 But our hope is to get that by early January. And if we
22 have to revise the regulations, we will then go out with
23 another short comment period, hopefully ending by the end
24 of January so that we can get Board approval and
25 ultimately file with OAL by no later than March 1 of 2008.

1 The current emergency regulations, I think as I said
2 earlier, will expire about the 26th of January next year.
3 Under the current law, the Board may get two 90-day
4 extensions. And we're thinking, we probably won't have to
5 get one of those. But we should be able to get through
6 during that process.

7 --o0o--

8 MR. JOHNSON: And so with that, we are asking you
9 to approve Option 1 and resolution 2007-199, and to
10 initiate the 45-day comment period.

11 Are there any questions?

12 CHAIRPERSON MULÉ: Great. Thank you, Neal. Great
13 presentation.

14 Are there any questions? Board Member Peterson?

15 BOARD MEMBER PETERSEN: Madam chair, thank you.

16 CHAIRPERSON MULÉ: You're welcome.

17 BOARD MEMBER PETERSEN: Couple of things that I
18 have read through. And I want to bounce this back and
19 forth with you.

20 The more specific definition of "store," it
21 appears that we're not including some of the smaller
22 stores that have -- the stores that don't -- are fast
23 foods -- not fast foods, but convenient foods. We're not
24 including that; right?

25 MR. JOHNSON: We feel -- I feel that they are

1 probably not the -- you know, if you look at, for example,
2 the California Grocers Association membership list, you
3 see some of the major players at the convenience store
4 market. One could read the law to say, because of
5 \$2 billion annual sales number, that they fit in it.

6 If you look -- if you take the definition that
7 talks about "supermarket," which is referenced by the
8 initial definition of "grocery store," you tend not to see
9 them in, for example, progressive grocers marketing guide
10 book. So staff has generally taken the position that they
11 are not, but that is an area that we expect to receive
12 some comments.

13 BOARD MEMBER PETERSEN: I would like to broaden
14 that definition and make it as broad as possible. Because
15 they are -- even though they are snack foods or whatever,
16 they are still using plastic bags --

17 MR. JOHNSON: I understand.

18 BOARD MEMBER PETERSEN: -- and we are going to try
19 and address all that, if we could.

20 MR. JOHNSON: Some of it comes from the problem of
21 the definition of "full line" and "full service," what
22 exactly that means. So you have that with convenience
23 stores and certain liquor stores and some others.

24 BOARD MEMBER PETERSEN: That's something that
25 could be worked out; right?

1 MR. JOHNSON: It's something that could be worked
2 out, right.

3 BOARD MEMBER PETERSEN: On the clarification of
4 the comingled recycling rate, allowing operators to do
5 their own comingled rate, is that something we should let
6 the larger chains do?

7 MR. JOHNSON: I think it's something we're going
8 to see comments on. There are certainly pros and cons.
9 The -- just Friday, I was having a discussion with one of
10 the large supermarket chains. And that store said they
11 would like to actually -- actually, we're going to
12 schedule it, probably a meeting with some of the advisory
13 group to go through some of the -- exactly what is the
14 comingled rate, how -- and maybe how it's determined and
15 how it might be used, particularly in the 2008 reports.

16 BOARD MEMBER PETERSEN: So we're actually listing
17 all of the stakeholders, meaning the grocers and the store
18 operators, about how they think they can handle this;
19 right?

20 MR. JOHNSON: Yes.

21 BOARD MEMBER PETERSEN: Out-of-state stores. I
22 think we should be good neighbors in that what they've
23 included as part of their distribution systems in Reno and
24 Las Vegas -- correct, that's all part of their
25 distribution numbers. Wouldn't it be great if we could

1 recommend -- well, if we're going to do this in
2 California, we'll be good neighbors. We'll put bags -- I
3 mean, boxes for recycling and signage up at the stores in
4 Nevada to chip in on this.

5 I'm sorry. Okay. Okay. But just an idea.

6 MR. JOHNSON: I think philosophically we would
7 agree. But I prefer not to go there.

8 BOARD MEMBER PETERSEN: And on reporting of bags
9 recycled, would that -- never mind. We'll skip that one.

10 On signage, in the stores, I happened to just in
11 my town, Santa Barbara, go around to about six different
12 locations over the weekend just to see what was going on.

13 And it was amazing. Everybody -- most everybody
14 had the bins. Some of the them were tucked away. I can
15 say, Trader Joe's, I walked in and it's right in the front
16 door. And the container is stylized right with what the
17 store looks like. So it's all integrated. Some Trader
18 Joe's don't use plastics.

19 Well, anyway, one of the things that I saw that is
20 probably something we should take a look at is eye level
21 identification, not just on the container. Because I
22 found that they stuff the containers away, people don't
23 see them. And they are supposed to be easily accessible
24 and a conditioned reflex. You see the sign, "Recycle your
25 bags."

1 The other thing I would encourage too -- sorry,
2 Madam Chair. I'm just chewing on this one.

3 CHAIRPERSON MULÉ: Go right ahead.

4 BOARD MEMBER PETERSEN: The other thing I'd like
5 to do is encourage any clean film, including the produce
6 bags that you wrap your produce, to be included in the
7 program and such advertized.

8 And I know, Member Peace and I have discussed the
9 labeling of the bags down at the bottom, so when you put
10 your materials or your groceries in the bag, you don't see
11 down at the bottom. It says, "Please return for
12 recycling." Couldn't they put that up at the top?

13 COMMITTEE MEMBER PEACE: I was going to mention --
14 can you go back to slide two?

15 MR. JOHNSON: Which?

16 COMMITTEE MEMBER PEACE: Slide two, where it says
17 at-store recycling, AB 2449. Right there.

18 See, part of the bill is like what Board Member
19 Petersen said. Part of the bill does specifically say
20 that the bags must display the words "please return to a
21 participating store for recycling."

22 Yet, I don't see anywhere here where we've
23 addressed that in our regulations. Is that something we
24 can address?

25 Because he's right. All the bags that I've seen

1 have it way at the bottom of the bag. And you can't even
2 see it when there's anything in the bag. So we should be
3 able to specify at the top, where people can actually see
4 it.

5 MR. JOHNSON: Actually, I think I would defer to
6 legal counsel on some of the those.

7 The regulations before you really deal with
8 recordkeeping reporting, not some of the requirements.
9 And we have told some -- I think, said earlier, that
10 generally the law did not give us the overall regulatory
11 power over a number of operations, such as what
12 Mr. Petersen has noticed, and I think everyone probably
13 noticed the inconsistent signage that has been occurring.
14 And, you know, clearly, that labeling on the bottom, the
15 side, the edge of the bags, that's not particularly
16 prominent. But that is currently not part of the
17 regulatory package because it was felt that that was not
18 within our regulatory purview.

19 COMMITTEE MEMBER PEACE: Even when it's part of
20 the bill, when it says that we will print this on the bag,
21 and there's nothing we could say in our regulations, where
22 people actually have to see it? Isn't that the intent of
23 the law?

24 CHIEF COUNSEL BLOCK: The statutes referenced to
25 the Board is pretty limited to recordkeeping, although we

1 can encourage all sorts of things. But that's different
2 than regulatory --

3 BOARD CHAIRPERSON BROWN: We were even challenged
4 at the beginning of this entire process that there is no
5 reporting requirement unless we ask.

6 And so we've gone a huge step in just getting the
7 industry to recognize that we're going to ask, on
8 July 1st, and again the following July 1st, and again the
9 following July 1st. And if we don't put into a process,
10 regulations that, you know, require this, then they are
11 not going to do anything more than they absolutely have
12 to.

13 So we've gotten some. But I think we can
14 encourage a little bit more consistency. We can showcase
15 those that are behaving really well. And it will be
16 really obvious, those that are not behaving well.

17 They are complying, but only what they absolutely
18 have to. In fact, I embarrassed my 12 year-old by asking
19 a few very pointed questions about where their bins were,
20 because they weren't clearly accessible to consumers.
21 They didn't provide reusable bags in a way that was
22 convenient for use. And she turned bright red, and I
23 stopped.

24 But I will go back.

25 CHIEF COUNSEL BLOCK: And I do believe that one of

1 the goals of the recordkeeping, part of this is to then
2 look at this issue again in a year or two to see whether
3 some of those other measures needed to be invoked.

4 BOARD MEMBER PETERSEN: Elliot, do we have any
5 authority under PRC 4502 to make this clearer?

6 BOARD CHAIRPERSON BROWN: What is PRC 4502?

7 BOARD MEMBER PETERSEN: Adopt regulations. Can we
8 do that? Can we do that? Adopt regulations under our
9 authority?

10 CHIEF COUNSEL BLOCK: To require those things?

11 BOARD MEMBER PETERSEN: Yeah. Make it clear.

12 CHIEF COUNSEL BLOCK: I will not tell you that we
13 can do that right here, as I sit here. If it's the
14 pleasure of the Board to have us go take another look at
15 that, my impression is, when we've looked at this issue
16 before is that we were pretty limited. But certainly,
17 we'll revisit that. I'm always willing to take a look at
18 that.

19 CHAIRPERSON MULÉ: Board Member Chesbro?

20 BOARD MEMBER CHESBRO: How limited are we with
21 regards to -- I mean, how much does the statute specify
22 what it is that they are reporting on? And would we use
23 the reporting requirement for them to report on how they
24 have made the availability of the program visible -- oops,
25 I turned myself off, sorry -- and some other mechanism

1 that is in keeping with the intent of law, which is that
2 reporting is supposed to be an incentive for them to do
3 certain things.

4 And I'm just wondering, if we could also have them
5 report on steps that they have taken to make the program
6 visible.

7 BOARD CHAIRPERSON BROWN: Like a simple question,
8 "Where is your bin located? In the front of the store?
9 In the back of the store? Hidden in customer service?"

10 BOARD MEMBER CHESBRO: Or even further, "What
11 steps have you taken to make sure that your customers are
12 aware of the program?"

13 BOARD CHAIRPERSON BROWN: Yeah.

14 STAFF COUNSEL BRANCH: The statute does make
15 clear, the stores have to maintain records regarding
16 collection of plastic bags. That's pretty general.

17 COMMITTEE MEMBER DANZINGER: We could conceivably,
18 within that, create some categories of reporting.

19 STAFF COUNSEL BRANCH: I'll say a tentative yes.

20 COMMITTEE MEMBER PEACE: And how about, do they
21 have the reusable bags available? Because they are
22 required to do that.

23 The grocery store I use, I would say six months or
24 so ago, the reusable bags are right out there by the check
25 stands. And now I don't know where they are. I don't see

1 them anywhere.

2 I have to tell you, when I take in my reusable
3 bags, I've never seen anybody else bring in a reusable
4 bag. I'm the only one that I ever see bring in reusable
5 bags.

6 BOARD CHAIRPERSON BROWN: I see a few.

7 CHAIRPERSON MULÉ: There are a few. Especially if
8 you go to Trader Joe's.

9 BOARD MEMBER PETERSEN: Yeah, there's a lot of
10 people. It depends.

11 But anyway, that's all I had, Madam Chair.

12 CHAIRPERSON MULÉ: Okay. Thank you very much.

13 Any other questions?

14 COMMITTEE MEMBER PEACE: Can I go back to the
15 question about what is a store, that Board Member Peterson
16 addressed.

17 When it says, "Several retail organizations have
18 inquired," can you tell me who they are? What kind of
19 retail organizations?

20 MR. JOHNSON: Well, one of -- probably the most
21 interesting one is an auto parts chain -- and I won't say
22 which one, one of the major ones -- because they meet the
23 2 million annual sales and they sell snack foods and soft
24 drinks. Were they -- question was, were they a store? A
25 little bit along the lines of where Mr. Petersen was

1 earlier, with respect to convenience stores.

2 The Grocers Association asserts that while they
3 clearly are not that full line -- they don't do
4 particularly meat and produce, so they don't meet that
5 definition. And that's -- where that bright line -- is
6 there a bright line, I don't know. And where is the fuzzy
7 line, I think is something that needs to be addressed.

8 COMMITTEE MEMBER PEACE: When you are talking
9 about auto parts stores, it is kind of a fuzzy line,
10 because you might be over \$2 million in sales, but most of
11 those are probably tires, so you are not taking stuff out
12 in big quantities in bags, even though you are still using
13 some. I see, that is kind of a fuzzy thing there.

14 MR. JOHNSON: Right.

15 CHAIRPERSON MULÉ: Okay. Do we have any other
16 questions or comments from staff?

17 No.

18 Do we have a motion then on Resolution 2007-199.

19 CHIEF COUNSEL BLOCK: Madam Chair, actually, staff
20 did a little bit of extra work. Since this is a
21 rulemaking item, normally there's not a requirement for
22 approving a resolution.

23 CHAIRPERSON MULÉ: I know that. But we have one
24 in there. So that's why I thought we would move that.

25 CHIEF COUNSEL BLOCK: I realize that. I was

1 giving you the option. You actually can give direction
2 without having to adopt the resolution.

3 CHAIRPERSON MULÉ: Okay. Well, I think we have
4 direction for you, from the committee, to move forward.

5 CHIEF COUNSEL BLOCK: And along those lines
6 actually, since the discussion went in a couple of
7 different directions, the staff's request for direction
8 was to go to us with the version that was in the agenda
9 item. There were a number of other things that were
10 mentioned, is the direction to just look at those issues.
11 But for now, go to notice with the version that's in the
12 agenda item.

13 CHAIRPERSON MULÉ: Well, personally, I think we
14 should go out with the -- with the existing version of the
15 regs, and then we can change those during the 45-day
16 period, because I guess my concern is the timeline that we
17 have. We want to get these own the street and out there
18 and approved, you know, by -- we want them to come back to
19 the Board by January for approval; correct, Neal?

20 MR. JOHNSON: That's our intent.

21 CHAIRPERSON MULÉ: So I think, in the interest of
22 time and efficiency, let's just put them out as we are.
23 We can incorporate our changes as part of the public
24 comment. Okay?

25 CHIEF COUNSEL BLOCK: Thank you. That's the

1 clarification that I was seeking.

2 CHAIRPERSON MULÉ: Okay. So all right.

3 Any other clarification you need on that? You're
4 okay?

5 Very good.

6 Let's go then to our final item of the day,
7 committee Item L, Board Agenda Item 11 -- Committee Item
8 11, Board Agenda Item L.

9 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Madam
10 Chair, we're ready. Howard Levenson, director for
11 Sustainability Program.

12 This is Agenda Item 11, consideration of the
13 2003/2004 biennial review findings for the source
14 reduction and recycling element; and consideration of
15 issuance of a compliance order for the city of Ridgecrest
16 in Kern County.

17 I would like to make just a couple of introductory
18 comments before I turn to the staff.

19 First of all, this is still part of the transition
20 that we're going through within the reorganization. So
21 ultimately, you will see these kinds of compliance items
22 coming from waste compliance and mitigation. But we're
23 still in the process of shifting.

24 This is -- this is consideration of a compliance
25 order is not a step that we take lightly. As staff will

1 describe, we do have concerns about the diversion
2 calculations and about the adequacy of program
3 implementation in the city.

4 I would like to note that as you consider whether
5 or not to issue a compliance order, that begins a formal
6 process that we hope and intend involves working with the
7 city on developing a local assistance plan and in
8 conducting a waste generation study to identify and
9 address the various gaps that we believe need to be taken
10 care of.

11 Our ultimate goal is that the city would be able
12 to fulfill that local assistance plan. We can come back
13 to you and recommend that they come off of the compliance
14 order, just as we did for the City of Arvin this morning.

15 With that, just, brief introduction, we have Curie
16 Canuela, from our staff, is going to make the formal
17 presentation. And then Cara Morgan and Tab Willmon are
18 here as well to answer questions.

19 CHAIRPERSON MULÉ: Okay. Thank you. Good
20 afternoon. Good afternoon, Chair Mulé and committee
21 members.

22 MS. CANUELA: For the record, I am Curie Canuela
23 with the Central Branch of the Local Assistance and Market
24 Development Division.

25 I am bringing forward staff's 2003/2004 biennial

1 review findings that the city of Ridgecrest has failed to
2 implement diversion programs to meet state diversion
3 requirements in PCR Section 41780, and that its diversion
4 rate appears to be inaccurate.

5 These findings are based on the review of the
6 city's 2003 and 2004 program implementation efforts and
7 diversion rates, using available information from the
8 city's annual reports, buy-back center tonnage reports,
9 consultations and visits with city staff, its franchise
10 hauler, and the primary waste handling facility.

11 Staff's review today points to the need for
12 improvement in the city's residential, government, school,
13 and commercial diversion programs as well as a newer and
14 more accurate base year.

15 Our reasons for coming to this conclusion are as
16 follows: Prior to 2004, it appears that most of the
17 city's diversion efforts were through its participation in
18 the China Lake Naval Air Weapons Station recycling program
19 that operated a mini MRF on base. The facility accepted
20 CRV material, paper, and cardboard sources, both on and
21 off base.

22 After Homeland Security measures were tightened in
23 2004, however, materials from sources off base, such as
24 from the city government offices, local schools, and off
25 base residents were no longer accepted. Since the

1 Homeland Security orders went into effect, the city has
2 not pursued alternative programs for these materials.

3 The city's 1990 base year study indicates that
4 approximately 25 percent of the city's waste stream is
5 generated by the residential sector; 89 percent of the
6 city's approximately 26,500 residents subscribe to weekly
7 trash pickup service with the city's franchise hauler,
8 Benz Sanitation. This service does not include curbside
9 recycling, however, and staff therefore believes a large
10 percentage of the potentially recyclable material is being
11 disposed.

12 The remaining 11 percent of the residents
13 self-haul their waste to the landfill, which is less than
14 10 miles away. All residents are given the choice to take
15 the recyclables to three buyback centers in the city.

16 The city's 1990 base year also shows that the
17 nonresidential sector generates about 70 percent of the
18 city's waste stream. The city, however, does not have any
19 commercial on-site pickup of the recyclable materials.
20 While some commercial businesses voluntarily self-haul
21 their cardboard to drop off or buyback sites within the
22 city, and some backhaul various materials, staff believes
23 that without some kind of on-site pickup program, most of
24 the recyclables are being disposed.

25 In addition to lack of program implementation,

1 staff also has concerns over the accuracy of the reported
2 diversion rate. The city's base year was established in
3 1990 based on volume, as scales were not yet installed at
4 the landfill.

5 This could have led to an artificially high base
6 year disposal rate, which, in turn, could lead to an
7 artificially high diversion rate.

8 While the city's 2003 and 2004 diversion rates are
9 64 and 70 percent, respectively, staff believes the
10 diversion programs the city is currently implementing are
11 not providing sufficient reductions in disposal to
12 substantiate these high diversion rights.

13 Specifically, the buyback businesses accounted for
14 less than 1,000 tons of diverted material, and staff
15 believes that it is unlikely that backhauling and dropoff
16 buyback activities for the commercial sector divert the
17 tonnage necessary to substantiate a 70 percent diversion
18 rate, or approximately 64,000 tons.

19 Staff therefore recommends the Board consider
20 issuing a compliance order that will require the city to
21 conduct a new waste generation study to establish a more
22 accurate base year, and to work directly with Board staff
23 to develop a local assistance plan that will identify a
24 strategy for program enhancements and local actions
25 necessary to enable the city to achieve its diversion

1 requirements.

2 This concludes my presentation.

3 Jim McRea, public services director for the city,
4 is here today to answer any questions.

5 Thank you.

6 CHAIRPERSON MULÉ: Thank you very much. Jim, I do
7 have a speaker slip for you. So would you like to address
8 the committee?

9 Good afternoon. Thank you for being here.

10 MR. McREA: Madam Chair, Members of the Board.

11 I'm here to answer questions with respect to the
12 recommendation of your staff. I'm certainly not an
13 advocate of a compliance letter. However, there is
14 serious question about the accuracy or the adequacy of the
15 recycling program. To say that the city has not done
16 anything in good faith, I believe, is a misnomer, because
17 we have a number of programs to close the loop, that look
18 beyond the three recycling centers that are operating
19 within the city of Ridgecrest.

20 The real problem, if there is one, occurred when
21 the base downsized from 6,000 employees to 3,000, and the
22 population of the community dropped from 30,000 to 24,000.

23 So essentially, the diversion rate changed and the
24 base year adequacy, as determined in 1993, may be
25 questionable.

1 CHAIRPERSON MULÉ: That's a good point.

2 I guess a question that I have for you, I'm
3 looking here -- and thank you for all the information that
4 you provided to us. It was very informative.

5 So I'm looking at your major employers in the
6 city, for example, the Sierra Sands Unified School
7 District, Ridgecrest Regional Hospital, and obviously, the
8 Navy. Do they all have commercial -- recycling programs
9 set up, for example, the school district?

10 MR. McCREA: They have programs. Whether or not
11 they are very operational is something that we would work
12 with your staff to determine. But yes, they all have
13 programs.

14 One of the unique features is that 80 percent of
15 the community is related to employment on the base. And
16 the base is unique in the United States in that it is
17 within the corporate limits of the city of Ridgecrest.
18 And so although its a sovereign entity, of the reserve of
19 the federal government, it's sales tax, it's recycling
20 rates, it's housing, all of that gets reported as though
21 it were part of the city even though we have zero control.

22 CHAIRPERSON MULÉ: Right. That was my other
23 question.

24 MR. McCREA: And we have about the same amount of
25 control of the state as well. We don't build roads, for

1 example. We used to recycle an enormous amount of inert
2 material. We still recycle base material when we build
3 roads, but because they stole all the money, we put in
4 about a mile and a half of roads where we used to put in
5 maybe 4 miles of road.

6 So the economy is such in a rural community -- or
7 not necessarily rural, but an isolated community, that
8 we're sort of at the whim of the base. And so they all
9 have programs. But no, we don't have much say in them.

10 CHAIRPERSON MULÉ: Right. No, I do understand
11 that, having the base there. And again, it has a huge
12 impact on your overall diversion rate and generation rate
13 as well.

14 Do we have any other questions for Jim or for
15 staff? Board Member Peace?

16 COMMITTEE MEMBER PEACE: I had a question. When
17 we were looking over the different -- different programs,
18 that there's no mention of a C&D recycling ordinance. And
19 I was just wondering, how come, because, essentially, the
20 stuff that we got from the city there, they said that
21 their building permits were way up in 2006. So I was just
22 wondering, how come you didn't address C&D recycling
23 ordinance?

24 Are we going to look at that?

25 MS. WILLMON: To my understanding, they don't have

1 a C&D recycling ordinance in place. I believe they had
2 actually a decline in building occur.

3 MR. McCREA: Between 1991 and 1999, we built three
4 houses.

5 COMMITTEE MEMBER PEACE: I was just looking at
6 this thing.

7 MR. McCREA: Last year we did build 15, and the
8 year before, there were about probably 85, and this year
9 we expect another 50. And so we are gearing up for those
10 kind of programs.

11 But for the period that we're talking about, there
12 was not substantial construction.

13 MS. WILLMON: And during the local assistance plan
14 period, once a compliance order is issued, we work with
15 the city to identify all gaps, and that would be something
16 that we would be working with the city to address for
17 implementation as part of the local assistance.

18 COMMITTEE MEMBER PEACE: And I think it wasn't
19 listed here or in the letter that we sent to them. So I
20 was just wondering, if there is reason it was left out or
21 if we didn't tend to look at that.

22 CHAIRPERSON MULÉ: Mr. McRea, I do have another
23 question for you.

24 Is there any reason why the city does not have a
25 curbside recycling program available for its residents.

1 MR. McCREA: We don't have a curbside recycling
2 program, primarily because about 80 percent of the people
3 subscribe to curbside pickup. But it is almost all taken
4 to the landfill. There isn't a curbside recycling
5 program.

6 The other 20 percent moved to the desert probably
7 to get away from government. And so getting them to do
8 things is a little bit difficult. And in an urban
9 environment, it's very easy to enforce that. In a
10 rural-urban interface, it's a little harder to do that,
11 because people look forward to going to the dump with
12 their dog. And to control them requires a little bit of
13 manipulation, so to speak.

14 We've been discussing it for the last -- well,
15 I've only been there four and a half years. But we've
16 been discussing it for the last three years.

17 The population of the community is about 26,000 at
18 the moment. The population of the immediate urbanized
19 area is probably more like 33,000. And those folks living
20 in the unincorporated county -- and we need an integrated
21 program that looks at both what the city does and what the
22 county does. Otherwise, you have one side of the street
23 with curbside or curbside pickup and the other side of the
24 street with their own program.

25 CHAIRPERSON MULE: Right. While I can appreciate

1 certain folks not wanting to be told want to do, it is the
2 law here in the state of California. And, you know, the
3 cities and counties are required by law to divert
4 50 percent of their material from landfills.

5 MR. McCREA: Absolutely.

6 CHAIRPERSON MULÉ: So that is something though
7 that you can always educate your residents regarding and
8 saying that it is the law. It's -- and it is the right
9 thing to do.

10 MR. McCREA: We're aware of that and I'm sure some
11 of the citizens are aware of that. The difference, again,
12 in Ridgecrest is to imply that they don't know is a little
13 strange, because we have 65 percent of the population that
14 has been to college and beyond, probably have the
15 highest -- well, the third highest PhD rate in the state.
16 So they do recycle and they do take advantage of it. And
17 we do, do things that are unique and different, not only
18 in terms of solid waste. But we've probably got four
19 other, five other, programs that are not even considered
20 in most communities relative to reducing paper stream by
21 the use of our MIS and computers. We're a wired
22 community. And all other kinds of different diversion
23 programs than solid waste.

24 CHAIRPERSON MULÉ: Right. Well, I guess I feel
25 that if people are given the opportunity to do the right

1 thing, they will do the right thing. So I'm just
2 suggesting that it would be nice if the city or your
3 hauler could provide that opportunity to the residents for
4 curbside recycling.

5 MR. McCREA: As I indicated, we've certainly been
6 looking at that for the better part of three years.

7 CHAIRPERSON MULÉ: Good. Thank you.

8 Any other questions or from Board Member
9 Danzinger?

10 COMMITTEE MEMBER DANZINGER: No questions. Just a
11 couple comments.

12 Interesting bookends on today's committee agenda,
13 with Arvin leading up. And I think I mentioned at that
14 time that with today's action, they had transformed from a
15 jurisdiction wanting to a jurisdiction success story.

16 And this is jurisdiction that's been pulling in
17 precisely the opposite direction in recent years. And I
18 think what's most discouraging is to see so much work
19 remaining to be done and so much course correction this
20 late in the game, so many years after 939 has been
21 enacted. And some of the problems that have to be dealt
22 with here, they are not fringe problems; they are core
23 problems. I mean, numbers are out of whack. You've got
24 very little being demanded of the franchise hauler.

25 What appears to be to be inadequate structuring of

1 the program to align with the 75 percent commercial waste
2 component, it is something of an anti-customer service
3 approach to recycling, with no residential curbside.

4 I understand the challenges you face, sir, by the
5 composition of the city. The profile of this city is not
6 singular; there's a lot of other towns that have found a
7 way to make some progress. And again, this many years
8 down the road not be so far removed from some degree of
9 success. So I'm just discouraged by this and to see this.

10 But I look forward to the work that we will be
11 doing with you to get back on track and put some of these
12 fundamental programs into play and expand the reach of
13 opportunity for individuals to participate in the 939
14 success and all of the recycling and everything else
15 that's been done.

16 CHAIRPERSON MULÉ: Thank you.

17 Are there any other comments, questions?

18 COMMITTEE MEMBER PEACE: The same thing that Board
19 Member Danzinger said. We saw that the Arvin placed them
20 on a compliance order, and they weren't happy about it.
21 But today they came off, and they were ecstatic about the
22 turnaround that their city has made, their 180 in really a
23 fairly short amount of time.

24 So I'm just saying, let the Board help you comply
25 with the law. And I think, a few months from now, that

1 you will be very, very pleased with the outcome.

2 CHAIRPERSON MULÉ: Again, thank you for being here
3 today. We really appreciate your making the trip.

4 MR. McCREA: My pleasure.

5 CHAIRPERSON MULÉ: Any other questions or
6 comments?

7 With that, do I have a motion?

8 COMMITTEE MEMBER PEACE: I would like to move
9 Resolution 2007-181.

10 COMMITTEE MEMBER DANZINGER: Second.

11 CHAIRPERSON MULÉ: It was moved by Board Member
12 Peace, seconded by Board Member Danzinger.

13 Donnell, please call the roll.

14 EXECUTIVE ASSISTANT DUCLO: Members Danzinger?

15 COMMITTEE MEMBER DANZINGER: Aye.

16 EXECUTIVE ASSISTANT DUCLO: Peace?

17 COMMITTEE MEMBER PEACE: Aye.

18 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

19 CHAIRPERSON MULÉ: Aye.

20 We'll put that on the consent agenda as well.

21 Let's see. That concludes our agenda.

22 Is there any other public comment for today?

23 Seeing nobody, this meeting is now adjourned.

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1 (The California Integrated Waste Management
2 Board, Permitting & Compliance Committee
3 meeting adjourned at 3:33 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. SWANK, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management
6 Board, Permitting & Compliance meeting, was reported in
7 shorthand by me, Kathryn S. Swank, a Certified Shorthand
8 Reporter of the State of California, and thereafter
9 transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 24th day of September, 2007.

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23 KATHRYN S. SWANK, CSR

24 Certified Shorthand Reporter

25 License No. 13061